

1 E. Carter

2 what do you mean?

3 A. There's usually anywhere from --  
4 could be from zero to 100 questions you fill  
5 out and answer, and then as you go through  
6 the polygraph, the questions come up, and  
7 then at the end, they ask you about the  
8 pre-polygraph questionnaires.

9 Q. So to your knowledge, the  
10 pre-polygraph part of the test is a series  
11 of questions that you have to write out  
12 answers to?

13 A. Yes.

14 Q. Okay. And you believe that one  
15 of the questions would be why were you fired  
16 from Ocean Beach?

17 A. Yes.

18 Q. Why couldn't you have said "I was  
19 fired for no legitimate reason"?

20 MR. GOODSTADT: Objection.

21 A. I don't think any employer would  
22 have -- I could have said that, but I don't  
23 think any employer would have accepted that.

24 Q. Why not?

25 A. I know if I was a supervisor, I

1 E. Carter

2 wouldn't.

3 Q. Why not?

4 A. I'd want to know why you were let  
5 go.

6 Q. And you don't think by saying  
7 that the reasons that they gave me were not  
8 truthful wouldn't have been sufficient?

9 A. No.

10 MR. GOODSTADT: Objection.

11 Q. Okay. So if I understand your  
12 testimony correctly, you believed that had  
13 you written on the pre-polygraph part of the  
14 questionnaire that there was no legitimate  
15 reason for you being fired, that that was  
16 not -- that would not be accepted by your  
17 employer, your potential employer?

18 A. Correct.

19 Q. And that is why you didn't pursue  
20 jobs that required polygraphs?

21 MR. GOODSTADT: Objection.

22 Q. Is that your testimony?

23 A. It's why I didn't pursue the job  
24 at the county park police or yes, the  
25 security job, yes.

1 E. Carter

2 Q. Okay. How about after you filed  
3 the complaint, sir, this was a -- as you  
4 agree with me, you understand, this was a  
5 public record now, right?

6 A. Yes. You explained to me. Yes.

7 Q. And it sets forth a lot of detail  
8 as to the events surrounding April 2, 2006,  
9 correct?

10 A. Yes.

11 Q. And in this complaint, you advise  
12 whoever's reading it that you don't believe  
13 that there was any legitimate reason for you  
14 to be -- for you being fired on April 2,  
15 right?

16 A. Correct.

17 Q. And, in fact, you go as far as to  
18 say your United States Constitutional rights  
19 have been violated, right?

20 A. Yes.

21 Q. Why was it that after the date of  
22 the filing of this complaint, which was  
23 March 21, 2007, you still believed that you  
24 couldn't take a polygraph test for a law  
25 enforcement related job?

1 E. Carter

2 MR. GOODSTADT: Objection.

3 A. I didn't want it as part of my  
4 official record if I did fail because of  
5 this incident, and it would follow through  
6 with me possibly with my township, with the  
7 town.

8 Q. But the town knew you had -- the  
9 town knew that you had issues with Ocean  
10 Beach by virtue of the blog, according to  
11 your testimony, right?

12 A. Yes.

13 Q. The town, if they had read  
14 Newsday or watched News 12, would have known  
15 that you had sued Ocean Beach, right?

16 A. Yes.

17 Q. And had they wanted to find out  
18 about the complaint, they could have gone  
19 online and looked at the complaint, right?

20 A. As you stated to me, yes.

21 Q. So what was your concern about  
22 the town finding out about you suing Ocean  
23 Beach?

24 MR. GOODSTADT: Objection.

25 Q. After you filed the complaint?

1 E. Carter

2 MR. GOODSTADT: Objection.

3 That's not what he testified to.

4 Q. Did you have a concern at all,  
5 after you filed the complaint, as to your  
6 supervisors at the town finding out that you  
7 filed a complaint against Ocean Beach?

8 A. I filed a complaint? No.

9 Q. You didn't have a concern?

10 A. No. The content of the  
11 complaint, yes, I would say I did.

12 Q. You had -- so you did have a  
13 concern after you filed the complaint that  
14 your supervisors at the town would look  
15 adversely on you given the contents of the  
16 complaint, is that your testimony?

17 A. It could have happened, yes.

18 Q. What was your concern in that  
19 regard?

20 A. The fact that I was going to wear  
21 a wire, it said I was going to wear a wire  
22 was a big concern because it was totally  
23 false. And that was the biggest thing. And  
24 the defamation. The -- you know, basically  
25 I work -- just so you know, I work in a law

1 E. Carter

2 enforcement department, so the blue wall of  
3 silence is still, you know, within my  
4 department, too. The park rangers are a law  
5 enforcement division.

6 Q. Oh, so in addition to your Ocean  
7 Beach having a blue wall of silence, you now  
8 say the Town of Islip's law enforcement  
9 agencies have a blue wall of silence?

10 MR. GOODSTADT: Objection.

11 A. I did not state that.

12 Q. No?

13 A. No.

14 Q. When you said that where you work  
15 has a blue wall of silence, what are you  
16 referring to?

17 A. I work with uniformed officers is  
18 what I was saying.

19 Q. So is it your testimony today  
20 that those uniform officers engage in what  
21 you refer to as a "blue wall of silence"?

22 MR. GOODSTADT: Objection.

23 A. No.

24 Q. No?

25 A. No.

1 E. Carter

2 Q. Then -- just scroll up. Well,  
3 when you say that "I work, you know, I work  
4 in the law enforcement, so the blue wall of  
5 silence is still, you know, within my  
6 department," what department are you  
7 referring to?

8 A. I was referring to -- I work in a  
9 uniform, you know, I work in a police -- I  
10 work in a law enforcement division, and the  
11 wire part would, you know, totally destroy  
12 me, and it got out even quicker than I  
13 thought it would.

14 Q. No. You just made reference in  
15 your answer, sir, to that your department  
16 still engages in the blue wall of silence.

17 MR. GOODSTADT: Objection.

18 Q. So I'm referring -- I'm asking  
19 you what department are you referring to?

20 A. I work for the Town of Islip,  
21 sir.

22 Q. But when you answered the  
23 question and you said "my department," what  
24 department are you referring to?

25 A. The only department I work for is

1 E. Carter

2 the Town of Islip.

3 Q. Okay. So if I understand your  
4 testimony correctly, you're accusing the  
5 uniformed officers of the Town of Islip in  
6 engaging in the blue wall of silence?

7 MR. GOODSTADT: Objection.

8 Don't even answer the question.

9 Q. Is that your testimony, sir?

10 DI MR. GOODSTADT: Objection.

11 Instructing the witness not to answer  
12 the question.

13 MR. NOVIKOFF: I'm just trying  
14 to clarify his answer.

15 MR. GOODSTADT: You're being  
16 harassing, because you're now saying  
17 that he's accusing his current employer  
18 of something. There's been no  
19 accusation. The testimony speaks for  
20 itself. He testified to it five times  
21 now.

22 MR. NOVIKOFF: I don't think  
23 so.

24 MR. GOODSTADT: It's now  
25 becoming harassing. It is.



1 E. Carter

2 MR. NOVIKOFF: I don't think  
3 so. I'll take away the word  
4 "confusing," sir.

5 Q. Is it your belief that the  
6 uniformed officers within your department  
7 engage in what you refer to as the blue wall  
8 of silence?

9 MR. GOODSTADT: Objection.

10 A. No.

11 Q. Then who within your department,  
12 as you testified to, engages in the blue  
13 wall of silence?

14 MR. GOODSTADT: Objection.

15 A. There was -- just so you know, in  
16 my department there was a corruption probe  
17 prior and officers were arrested and  
18 supervisors by the District Attorney's  
19 office.

20 Q. So that was the blue wall of  
21 silence you were referring to?

22 A. Yes.

23 MR. GOODSTADT: Objection.

24 Q. So there's no further blue wall  
25 of silence in the Town of Islip, to your

1 E. Carter

2 knowledge?

3 A. No.

4 Q. Okay. Now you make reference in  
5 paragraph 109 to you could not obtain  
6 references from the Ocean Beach Police  
7 Department, do you see that?

8 A. Yes.

9 Q. Subsequent to April 2, 2006, who  
10 did you ask a reference from concerning --  
11 who worked for the Ocean Beach Police  
12 Department?

13 A. Chief Paridiso had given me one  
14 for my promotion with the Town of Islip back  
15 in approximately 1998.

16 Q. My question, sir, was subsequent  
17 to April 2, 2006, who at the Ocean Beach  
18 Police Department did you ask for a  
19 reference from?

20 A. I believe George Hesse's letter  
21 would have helped me, you know, with the  
22 reason I was let go. That would have been  
23 the letter.

24 Q. So when you say "obtain a  
25 reference," you're referring to a letter

1 E. Carter

2 indicating why you were let go?

3 A. Yes.

4 Q. So then I don't understand. You  
5 say because you could not obtain references  
6 from the OBPD or provide a clear explanation  
7 for his termination. The Hesse letter  
8 you're referring to would provide that clear  
9 explanation, correct? At least that's what  
10 you were hoping for, right?

11 A. Yes.

12 Q. So now I don't understand then.  
13 What did you mean by "reference"?

14 A. Well, when the county park police  
15 or whoever would call over to the beach for  
16 reference, you know, as far as my job work.

17 Q. Your job performance?

18 A. Yes.

19 Q. Right. Did you ever ask Chief  
20 Paridiso to provide you with a reference?

21 A. Yes.

22 Q. After April 2, 2006?

23 A. No.

24 Q. Why not?

25 A. At that time, George Hesse was

1 E. Carter

2 the chief of Ocean Beach.

3 Q. But Mr. Paridiso would have been  
4 aware of how -- of what you did while you  
5 were employed by Ocean Beach, correct?

6 A. I wouldn't have been able to get  
7 it on official letterhead.

8 Q. No? You don't think so?

9 A. No.

10 Q. Did you ask -- did you ever ask  
11 Paridiso to send a letter of reference to  
12 any employer?

13 A. Prior, yes.

14 Q. No. No. After April 2, 2006?

15 A. No.

16 Q. Why not?

17 MR. GOODSTADT: Objection.

18 A. Because at that point, Ed was out  
19 on a disability and George Hesse was the  
20 chief law enforcement officer at the Ocean  
21 Beach Police Department.

22 Q. But you didn't even try. What  
23 would have hurt by trying?

24 MR. GOODSTADT: Objection.

25 A. For a follow-up phone call, if

1 E. Carter

2 there needed to be one, they wouldn't be  
3 able to get obviously Eddie at the Ocean  
4 Beach Police Department.

5 Q. How do you know that?

6 A. Because he wasn't working at that  
7 time.

8 Q. But how do you know that they  
9 couldn't have gotten hold of Chief Paridiso  
10 and said, "you know, Mr. Carter needs a  
11 letter of reference and he would like one  
12 from you," how do you know that they  
13 couldn't get a hold of Chief Paridiso?

14 MR. GOODSTADT: Objection.

15 That's not what he testified to.

16 A. That's not what I testified to.

17 Q. Okay. What makes you believe --  
18 well, you don't know that -- well, do you  
19 have any knowledge that Chief Paridiso  
20 wasn't an employee of Ocean Beach at that  
21 time subsequent to April 2, 2006 and before  
22 you filed the Notice of Claim?

23 A. I know he was out on workmen's  
24 comp and I hadn't seen him there from I  
25 guess November of -- November of '06, '05.

1 E. Carter

2 Q. Did you ever call Chief Paridiso  
3 and say, "chief, is there any way you can  
4 send me a letter of reference"?

5 A. No, I didn't.

6 Q. Did you ever send him an email?

7 A. Asking that, no.

8 Q. So you did nothing with regard to  
9 Chief Paridiso in terms of getting a letter  
10 of reference after April 2, 2006, right?

11 A. Yes.

12 Q. And the only -- and the reason  
13 you didn't is because you speculate that  
14 Chief Paridiso couldn't do that for you,  
15 correct?

16 MR. GOODSTADT: Objection.

17 A. Yes. I didn't want to put him in  
18 an awkward situation.

19 Q. Oh, now you didn't want to put  
20 him in an awkward situation. Well, why did  
21 you -- did you ask him if he would be put in  
22 an awkward situation?

23 MR. GOODSTADT: Objection.

24 A. No.

25 Q. Are you aware as to whether or

1 E. Carter

2 not Mr. Nofi received a letter of  
3 recommendation from Chief Paridiso after  
4 April 2, 2006?

5 A. No.

6 Q. Did you ever inquire with  
7 Mr. Nofi as to whether or not he sought out  
8 Mr. Paridiso to get a letter of reference?

9 A. No.

10 Q. Okay. Did you inquire with the  
11 other Plaintiffs as to whether or not they  
12 got letters of reference from Chief Paridiso  
13 after April 2, 2006?

14 A. No.

15 Q. Let's look at number 110, "upon  
16 information and belief, Hesse circulates  
17 false and malicious negative references  
18 concerning Plaintiffs among officials  
19 working for the Town of Islip," do you see  
20 that?

21 A. Yes.

22 Q. You say "officials," do you agree  
23 with me that when you use the word  
24 "officials," you're suggesting more than one  
25 person?

1 E. Carter

2 MR. GOODSTADT: Objection.

3 With respect to him or generally in  
4 this complaint?

5 MR. NOVIKOFF: With respect to  
6 what is set forth in paragraph 110.

7 A. 110's the Plaintiffs among  
8 officials. So in my case, it was one  
9 person, Greg DeCanio.

10 Q. Okay. That was the only person?

11 A. That I'm aware of at this time.

12 Q. That you're aware of. Okay.

13 Let's go to 113. It's alleged that "as a  
14 result of false, damaging and baseless  
15 allegations that have been inserted in  
16 Plaintiffs' civil service records," do you  
17 see that?

18 A. Yes.

19 Q. Have you ever -- have you looked  
20 at your civil service records subsequent to  
21 April 2, 2006?

22 A. It's my belief my personnel  
23 jacket, yes.

24 Q. Have you looked at your personnel  
25 jacket at civil service subsequent to April



1 E. Carter

2 2, 2006?

3 A. No.

4 Q. Have you asked anyone to look at  
5 your civil service jacket subsequent to  
6 April 2, 2006?

7 A. My belief is --

8 Q. Have you asked anyone --

9 A. No.

10 Q. -- to look into your civil  
11 service jacket subsequent to April 2, 2006?

12 A. No.

13 Q. To your knowledge, has your  
14 lawyer asked the Suffolk County Civil  
15 Service Department to produce your civil  
16 service jacket in this lawsuit?

17 MR. GOODSTADT: I'll stipulate  
18 that that request has been made.

19 MR. NOVIKOFF: Let's go off the  
20 record for one second.

21 THE VIDEOGRAPHER: The time is  
22 2:59 p.m. we're off the record.

23 (A discussion was held off the  
24 record.)

25 THE VIDEOGRAPHER: The time is

1 E. Carter

2 2:59 p.m. Back on the record.

3 Q. When reference is made in  
4 paragraph 113 to "Plaintiffs' civil service  
5 records," what are you referring to?

6 MR. GOODSTADT: Objection.

7 A. My town personnel jacket which  
8 includes my civil service records.

9 Q. Okay.

10 A. To the best of my knowledge.

11 Q. Have you looked at your Town of  
12 Islip civil service jacket subsequent to  
13 April 2, 2006?

14 A. "Subsequent" being after?

15 Q. After.

16 A. No.

17 Q. Have you asked anyone to look at  
18 your Town of Islip civil service jacket  
19 after April 2, 2006?

20 A. No.

21 Q. To your knowledge, has your  
22 attorney subpoenaed your Town of Islip civil  
23 service jacket in this lawsuit?

24 A. I can't answer that at this time.  
25 I don't know.

1 E. Carter

2 Q. Okay. If you don't know, you  
3 don't know. That's a legitimate answer to  
4 this question. What document are you  
5 referring to that has been put in your Town  
6 of Islip civil service record that you claim  
7 to be false, damaging and baseless?

8 A. The stuff -- the interview with  
9 Greg DeCanio, and I'm sure there's -- and  
10 it's my belief there's going to be something  
11 in there that he had a conversation with  
12 George Hesse.

13 Q. You're sure. It's your belief.  
14 Do you know, sir?

15 A. No, sir.

16 Q. Did you ever ask DeCantio if he  
17 wrote up something?

18 A. He told me he had to put a whole  
19 package together and forward it to the  
20 commissioner.

21 Q. Did you ever ask DeCantio if he  
22 put in anything in your civil service jacket  
23 pertaining to Hesse's communication with  
24 him?

25 A. No.

1 E. Carter

2 Q. And in the over two-year period  
3 of time since Hesse's communication, it's  
4 your testimony that you never once asked to  
5 look into your civil service jacket at the  
6 Town of Islip to confirm the truthfulness of  
7 this allegation?

8 A. Yes.

9 Q. So when you authorized your  
10 attorney to write and file this allegation  
11 that I just read, you did not know at that  
12 time whether that was truthful or not  
13 because you hadn't looked at your file?

14 MR. GOODSTADT: Objection.

15 Q. Isn't that true?

16 A. Yes.

17 Q. Let's look at paragraph 114. Has  
18 any member of your family been confronted or  
19 castigated by strangers concerning anything  
20 involving your employment at Ocean Beach  
21 subsequent to April 2, 2006?

22 A. My family, no.

23 Q. Have you been castigated by  
24 strangers?

25 A. Yes.

1 E. Carter

2 Q. Who has castigated you?

3 A. I have been -- I was at a  
4 retirement party for my uncle, and one of  
5 the people there, a guy named Chris, came up  
6 to me and said, "Hey, I see you're one of  
7 those rats from Ocean Beach." I just looked  
8 at the guy. I didn't know what to say to  
9 him. Also --

10 Q. When did this guy Chris say this  
11 to you?

12 A. That would have been November of  
13 '06.

14 Q. Okay.

15 A. Another time would be I was on a  
16 call with the Suffolk County Police for an  
17 illegal house in Bay Shore, and when I  
18 pulled up, got out of the car, a couple  
19 officers were talking, and one of them  
20 looked and said, "Is that one of those rats  
21 from Ocean Beach?" And I just looked at the  
22 guy and I walked away. I went over to the  
23 officer -- one of the officers I had known,  
24 and he went over. He said, "Listen, I'll go  
25 talk to him and tell him, you know, to shut

1 E. Carter

2 up and mind his business."

3 Q. Did you ever find out what  
4 information those officers looked at in  
5 order to say that you were one of those rats  
6 from Ocean Beach?

7 A. They had worked the summers --  
8 one of them worked the summer over at Ocean  
9 Beach on a quad part time, seasonal.

10 MO Q. Did you ever -- motion to strike.  
11 Did you ever ask the officers where they  
12 were getting their opinions from that you  
13 were one of those rats from Ocean Beach?

14 A. No.

15 Q. Did you ever ask this guy Chris  
16 at your uncle's retirement party what he was  
17 basing his opinion on that you were one of  
18 those rats from Ocean Beach?

19 A. No.

20 Q. You have no idea as you sit here  
21 today as to what source of information, if  
22 any, these officers looked at in order to  
23 render an opinion that you were a rat from  
24 Ocean Beach, right?

25 A. Yes.

1 E. Carter

2 Q. For all you know, they could have  
3 read the complaint and drawn their own  
4 conclusion, right?

5 MR. GOODSTADT: Objection.

6 A. Yes.

7 Q. For all you know, they could have  
8 read the newspaper article in Newsday and  
9 drawn their own conclusion, right?

10 MR. GOODSTADT: Objection.

11 A. Yes.

12 Q. For all you know, they could have  
13 watched News 12 that night and drawn their  
14 own conclusion, right?

15 MR. GOODSTADT: Objection.

16 A. Yes.

17 Q. For all you know, they could have  
18 talked to a host of people other than  
19 Mr. Hesse and drawn that conclusion,  
20 correct?

21 MR. GOODSTADT: Objection.

22 A. Yes.

23 Q. Same thing with this guy Chris,  
24 you don't know what source of information he  
25 looked at, if any, to determine -- to render

1 E. Carter

2 an opinion that you were a rat, right?

3 A. Yes.

4 Q. He could have looked at that  
5 Newsday article and drawn his own opinion?

6 MR. GOODSTADT: Objection.

7 Q. Right?

8 A. Yes.

9 Q. Could have read the complaint and  
10 drawn his own opinion, right?

11 A. Yes.

12 Q. He could have looked at -- he  
13 could have watched News 12 that night and  
14 drawn his own opinion, right?

15 MR. GOODSTADT: Objection.

16 A. Yes.

17 Q. He could have talked to a host of  
18 people other than George Hesse and drawn his  
19 own opinion, right?

20 MR. GOODSTADT: Objection.

21 A. Yes.

22 MR. NOVIKOFF: Let's mark the  
23 following document as Carter-8.

24 (Email dated 3/23/07 was marked  
25 as Carter Exhibit-8 for



1 E. Carter

2 identification; 9/16/08, E.L.)

3 Q. Do you recognize this document  
4 that's been identified as Carter-8, sir?

5 A. No.

6 Q. No? You are wingking28@aol.com?

7 A. Yes.

8 Q. Do you know who KT215@aol.com is?

9 A. I'm not 100 percent sure, but I  
10 believe it's Kevin Lamm.

11 Q. Do you know who  
12 regulus816@earthlink.net is?

13 A. Not 100 percent sure again. I  
14 believe that's Tom Snyder.

15 Q. And do you know who  
16 frankfiorillo@optonline.net is?

17 A. Yes.

18 Q. And who is that?

19 A. Frank Fiorillo.

20 Q. Okay. And does looking at the  
21 subject of this email prod your recollection  
22 as to what this -- as to whether or not  
23 you've ever seen this email before?

24 A. No.

25 MR. NOVIKOFF: Okay. Let's

1 E. Carter

2 mark the next document as Carter-9.

3 (Email dated 3/30/2007 was marked as  
4 Carter Exhibit-9 for identification;  
5 9/16/08, E.L.)

6 Q. I'm going to show you what's been  
7 identified as Carter-9. Prior to today,  
8 have you seen this document before?

9 A. Without -- it says something  
10 about a picture, an editorial. Without the  
11 full thing, I can't say yes or no. I mean,  
12 my email's on there.

13 Q. That's all I'm asking you. Do  
14 you recall seeing this prior to today?

15 A. Yes. In my email, yes.

16 Q. Do you recall seeing --  
17 notwithstanding the fact that your email  
18 appears on this -- on this document, do you  
19 recall receiving this email on or about  
20 March 30, 2007?

21 A. I don't recall.

22 Q. Okay. Do you know who  
23 watercop319@yahoo.com is?

24 A. Not, again, 100 percent sure. It  
25 might be Joe Nofi.

1 E. Carter

2 Q. Okay. Do you recall the subject  
3 matter of the attachment?

4 A. That's what I'm explaining to  
5 you. I don't know.

6 MR. NOVIKOFF: Okay. The tape  
7 is almost over. Let's stop the tape  
8 and take a couple minutes' break and  
9 get back to it.

10 THE VIDEOGRAPHER: This ends  
11 tape number four. The time is 3:09  
12 p.m. Going off the record.

13 (A break was taken.)

14 THE VIDEOGRAPHER: This begins  
15 tape number five. The time is 3:22  
16 p.m. Back on the record.

17 MR. NOVIKOFF: Sir, we're  
18 going to mark the next set of documents  
19 as Carter-10, and I record them to be  
20 000284 through 382 -- I'm sorry, 383.  
21 But, frankly, I've not looked at every  
22 single page to make sure that they are  
23 consecutively numbered.

24 (Document Bates stamped 000284  
25 through 000383 was marked as Carter

1 E. Carter

2 Exhibit-10 for identification;

3 9/16/08, E.L.)

4 A. Am I allowed to open them or --

5 Q. Well, you don't need to look at  
6 it yet. Let's look at the first page which  
7 is 284. Do you -- do you know what this  
8 document is?

9 A. It's a copy of my time sheet for  
10 Ocean Beach Police Department.

11 Q. Okay. Let's just go through it.  
12 284, do you see employee's signature?

13 A. Yes.

14 Q. Is that your signature?

15 A. Yes.

16 Q. Let's look at 287. Is that your  
17 signature?

18 A. Yes.

19 Q. Would you agree with me that the  
20 signature on 287 appears to be different  
21 than the signature on 284?

22 A. Yes.

23 Q. Okay. Do you have different sets  
24 of signatures?

25 A. 284 is PO Carter 416, 287 is

1 E. Carter

2 Edward J. Carter.

3 Q. Okay. How about 291, is that  
4 your signature?

5 A. 291, no, that's not my signature.

6 Q. Well, next to the word  
7 "employee's signature," that's not your  
8 signature?

9 A. No.

10 Q. What's the purpose of this  
11 document, sir, to the extent you know?

12 A. This is when the printer was  
13 down. George Hesse was doing the payroll.  
14 George Hesse filled this out for me.

15 Q. George Hesse filled this out for  
16 you, is that your testimony?

17 A. To the best of my knowledge, yes.

18 Q. And you're saying what was down?

19 A. The printer in the station. We  
20 had problems printing out payroll sheets  
21 from time to time, and either Sergeant Hesse  
22 or George Hesse or Ed Paridiso would do it  
23 for us.

24 Q. Okay. Other than George Hesse,  
25 Ed Paridiso, anybody else do it for you?

1 E. Carter

2 A. No. Not that I'm aware of.

3 Q. Anyone else ever sign on your  
4 behalf, to your knowledge?

5 A. Not that I know of. No. You can  
6 tell I didn't even date it, so I know it's  
7 not me.

8 Q. Let's go to your complaint, sir,  
9 Exhibit-1. It's in front of you now. First  
10 page under "preliminary statement" you write  
11 "Plaintiffs are five" -- well, it's alleged  
12 that "Plaintiffs are five police officers  
13 who had the courage to overcome the blue  
14 wall of silence and fulfill their duty to  
15 protect the public by speaking out in  
16 opposition to the regime of endemic  
17 corruption within the Ocean Beach Police  
18 Department." Do you see that?

19 A. Yes.

20 Q. Did you speak out before or after  
21 you were terminated, according to your  
22 allegations?

23 A. Spoke out. Spoke to George  
24 about --

25 Q. No. No. Did you speak out as

1 E. Carter

2 it's used in this paragraph, in the sentence  
3 that I've read, prior to April 2, 2006 or  
4 after April 2, 2006?

5 A. It's my belief both.

6 Q. Okay. After April 2, 2006, how  
7 did you speak out?

8 A. By the filing of this complaint.

9 Q. And prior to April 2, 2006, to  
10 whom did you speak out?

11 A. George Hesse.

12 Q. Anybody else?

13 A. No. George Hesse.

14 Q. Ever send a letter to Newsday  
15 concerning any of the issues that are raised  
16 in this complaint?

17 A. No.

18 Q. Ever send a letter to any media  
19 outlet concerning any of the issues raised  
20 in this complaint?

21 A. No.

22 Q. You spoke before, before the last  
23 break about a corruption probe in the Town  
24 of Islip?

25 A. Yes.

1 E. Carter

2 Q. Were you part of that probe?

3 A. No.

4 Q. Were you involved at all in that  
5 probe?

6 A. No.

7 Q. Did you speak to any law  
8 enforcement official investigating the  
9 alleged claims of corruption as part of that  
10 probe?

11 A. No.

12 Q. How many times have you spoke to  
13 the DA after you've been -- the Suffolk  
14 County DA after April 2, 2006?

15 A. I couldn't give you an exact  
16 number. I'm going to say approximately six  
17 times to a dozen.

18 Q. Concerning what?

19 A. Concerning the case they were  
20 investigating.

21 Q. Which was?

22 A. Partly the Gilbert incident with  
23 the beating.

24 Q. Okay.

25 A. I also called them -- I called



1 E. Carter

2 them within the week after I was let go to  
3 find out what was going on with this me of  
4 wearing a wire. Where it came from. If it  
5 came from them or what was going on with  
6 that, and when I called, I let them know,  
7 you know, I was fired, what's this I was  
8 going to wear a wire. And they said, "Why  
9 don't you come down, stop down." And I went  
10 to their office.

11 Q. And what did -- did they answer  
12 your question?

13 A. They said they had nothing to do  
14 with it.

15 Q. So they asked you to come down to  
16 their office to tell you that they had  
17 nothing to do with it?

18 MR. GOODSTADT: Objection.

19 Q. Is that your testimony?

20 A. No.

21 MR. GOODSTADT: Objection.

22 Q. So let me understand this. You  
23 say you were fired on April 2, 2006, right?

24 A. Yes.

25 Q. Within a week of that date, you

1 E. Carter

2 contact the Suffolk County DA and ask them  
3 did they have anything to do with these  
4 comments about you wearing a wire, right?

5 A. Partly, yes. I had a concern  
6 about that.

7 Q. That was part of your  
8 conversation with them?

9 A. Yes.

10 Q. And who did you speak to?

11 A. I spoke to a Detective Amato.

12 Q. And this detective told you to  
13 come on down to his office to talk about it?

14 A. Well, there was more to the  
15 conversation.

16 Q. Okay.

17 A. I told him with that, I felt that  
18 something really did happen with the Gilbert  
19 incident for them to say that about me.  
20 When he said --

21 Q. Something really happened with  
22 the Gilbert -- what do you mean by that?

23 A. Well, the beach was taking a  
24 stance, the individuals that were working  
25 that night that nothing happened with the

1 E. Carter

2 Gilbert incident. That he wasn't beat up or  
3 anything. And I said for them -- you know,  
4 my concern and my belief was something did  
5 happen for them to say I was going to wear a  
6 wire and have them admit that they were  
7 doing wrong, the corruption.

8 Q. So you told this detective at the  
9 Suffolk County DA that because someone made  
10 a comment about you wearing a wire, that  
11 means something happened with the Gilbert  
12 incident?

13 MR. GOODSTADT: Objection.

14 A. I felt it had partly connection  
15 with the Gilbert incident, my firing might  
16 have had something to do with that also.

17 Q. And you told that to the DA?

18 A. Yes.

19 Q. Why do you think the DA cared  
20 whether you were fired or not?

21 A. I don't think they really cared  
22 if I was fired or not.

23 Q. Right. Did you ask the DA to  
24 investigate your alleged termination?

25 A. No.

1 E. Carter

2 Q. So you went down to the Suffolk  
3 County DA and you had a conversation with  
4 this detective?

5 A. I had a conversation with  
6 approximately -- there were approximately  
7 six detectives in the room and a prosecutor.

8 Q. Concerning what?

9 A. Ocean Beach.

10 Q. What about Ocean Beach?

11 A. They asked -- they went through  
12 if I was working that night and if I knew  
13 anything about that night, the incident on  
14 the 28th of August.

15 Q. Did you ever tell -- did you  
16 tell the DA or the detectives at this time  
17 any of the -- any of the allegations that  
18 you raised in the complaint, other than the  
19 Halloween incident?

20 MR. GOODSTADT: Objection.

21 He's testified he told them about the  
22 wire incident.

23 Q. Okay. Did you make allegations  
24 about Mr. Hesse having sexual escapades  
25 while on duty, did you advise the DA during

1 E. Carter

2 this conversation of that claim?

3 A. Yes.

4 Q. Did you advise the DA of that --  
5 of Mr. Hesse's alleged involvement with  
6 known drug dealers --

7 A. Yes.

8 Q. -- during this conversation?

9 A. Yes.

10 Q. Had you advised them of that  
11 before this, before your termination?

12 A. No.

13 Q. Had you advised the DA before  
14 your alleged termination of Mr. Hesse's  
15 alleged sexual escapades?

16 A. No. They were none of my  
17 business.

18 Q. But they were your business after  
19 you were fired?

20 A. They asked me to make notes of  
21 anything and anything with the on goings of  
22 the beach.

23 Q. They asked you to make notes.  
24 When did they ask you to make notes?

25 A. That was April of '06.

1 E. Carter

2 Q. And why did they ask you to make  
3 notes?

4 A. I said apparently -- I told them,  
5 I said, "Apparently I know something that  
6 they had to get rid of me and I don't know  
7 what it is," and they said, "Well, write  
8 down whatever you know."

9 Q. You knew something -- you believe  
10 that you knew something that caused them to  
11 get rid of you?

12 A. Yes.

13 Q. But you weren't a witness to the  
14 Gilbert incident, were you?

15 A. No. But, again, I was  
16 misidentified, and in a way, I was used as a  
17 scapegoat for it.

18 Q. Well, didn't -- I guess the DA in  
19 that April 2006 conversation was asking you  
20 to become a snitch?

21 MR. GOODSTADT: Objection.

22 Q. Is that what they were asking you  
23 to do?

24 A. No.

25 Q. No. Okay. Let's stay on the DA

1 E. Carter

2 for a while. When was the first time you  
3 had -- you had any communication with the  
4 Suffolk County District Attorney concerning  
5 anything to do with Ocean Beach?

6 A. That was the fall of 2005 after  
7 the Gilbert incident.

8 Q. Okay. And who approached you?

9 A. Detective Amato and Iacopelli.

10 Q. And what did they want from you?

11 A. They wanted to know if I was  
12 working that night, which I wasn't, and I  
13 showed them on the schedule I wasn't, and if  
14 I knew who was working that night, and if  
15 anybody at the beach was, you know, rough  
16 with their hands or whatever.

17 Q. During the Gilbert incident or  
18 any other time?

19 A. Any other time. The Gilbert  
20 incident and any other time.

21 Q. Okay. And did you advise them  
22 who in your belief was rough with their  
23 hands at any other time, besides Gilbert  
24 incident?

25 A. Yes.

1 E. Carter

2 Q. You told them that?

3 A. Yes.

4 Q. And who did you say?

5 A. Bob Galoppi.

6 Q. Is that all?

7 A. Yes.

8 Q. And did you witness Rob Galoppi  
9 being rough with his hands?

10 A. Yes.

11 Q. When?

12 A. Back in 1991, '92. '91 and '92.

13 Q. So you told them about an  
14 incident that occurred 13 years earlier, 14  
15 years earlier?

16 A. Approximately, yes.

17 Q. Okay. Did you advise them of  
18 anybody else who you believe to be rough  
19 with their hands?

20 A. No.

21 Q. Okay. What else did they ask you  
22 in the first communication with the DA with  
23 these two individuals?

24 A. Who else was working, and that's  
25 when I invited them in my house and I gave



1 E. Carter

2 them a copy of the schedule that I had  
3 hanging up.

4 Q. Okay. And how long was this  
5 communication with these two individuals in  
6 your house?

7 A. Approximately five, 10 minutes.  
8 Maybe 15.

9 Q. Did they ask you anything about  
10 chief -- about Mr. Hesse?

11 A. They asked in general about any  
12 individual working for the police  
13 department.

14 Q. So you -- you responded about  
15 every single individual?

16 A. No. I didn't respond about any  
17 of them at that time.

18 Q. But what did they specifically  
19 ask you about Mr. Hesse?

20 A. Well, he would have been part of  
21 a member of the police department with, you  
22 know, anybody have a problem with their  
23 hands, and I didn't bring him up, obviously,  
24 because I never saw him do anything  
25 firsthand.

1 E. Carter

2 Q. So did they ask you specifically  
3 anything about Mr. Hesse during this first  
4 conversation?

5 A. No.

6 Q. Okay. When was the next time you  
7 spoke with anyone associated with the  
8 Suffolk County DA?

9 A. Approximately within that week, I  
10 got that phone call at work.

11 Q. From whom?

12 A. Detective Iacopelli.

13 Q. What did he want?

14 A. He wanted to come to my house the  
15 following day to talk to me. He had new  
16 information.

17 Q. What was the new information?

18 A. He wouldn't tell me on the phone.

19 Q. Okay. Anything else that took  
20 place during this phone conversation that  
21 you can recall?

22 A. I told him I couldn't talk to him  
23 without the village attorney present.

24 Q. Okay.

25 A. Due to that internal

1 E. Carter

2 correspondence and I'd have to get back to  
3 him.

4 Q. What internal correspondence?

5 A. About they put up -- beach put up  
6 an internal correspondence, any contact or  
7 because he -- any contact with the District  
8 Attorney's office, a village attorney must  
9 be present.

10 Q. Okay. And did you notify Ken  
11 Gray that you were contacted by the Suffolk  
12 County DA?

13 A. No. I notified George Hesse who  
14 notified Ken Gray.

15 Q. Okay. And after that telephone  
16 conversation, what was the next time you  
17 spoke with anyone associated with the  
18 Suffolk County DA?

19 A. Following day.

20 Q. Where?

21 A. My living room.

22 Q. Was Ken Gray there?

23 A. Yes.

24 Q. Did you speak with Ken Gray prior  
25 to meeting with the Suffolk County DA?

1 E. Carter

2 A. Yes.

3 Q. What did Ken Gray say to you?

4 A. First off, they were running  
5 late, so Ken Gray's like, you know, "they  
6 should have used their lights and sirens."  
7 But he told me -- I explained to him that  
8 they -- my feeling was they felt that I was  
9 at work on the night of the Gilbert thing,  
10 and he looked at me and he says, "I know you  
11 weren't working." And I said, "What do you  
12 mean?" And he was on the rescue squad that  
13 night, so he knew I wasn't working, and I  
14 explained to him how the schedule -- the  
15 three tour was actually the day after --  
16 day before, but on the schedule, like I did  
17 work when the incident occurred.

18 Q. Did Ken Gray say anything else to  
19 you before you met with him and the Suffolk  
20 County DA representatives?

21 A. He was very quiet.

22 Q. Did he tell you to lie?

23 A. No.

24 Q. Did he tell you to misrepresent  
25 anything?

1 E. Carter

2 A. No.

3 Q. Did he tell you to do anything  
4 other than to tell the truth?

5 A. No. He didn't even tell me that.  
6 He just really didn't get into any  
7 conversation like that at all.

8 Q. Did you ask Ken Gray any  
9 questions?

10 A. No.

11 Q. Okay. So you then spoke with the  
12 representatives from the DA in your house  
13 with Ken Gray present, right?

14 A. Yes.

15 Q. What was -- what did they ask of  
16 you at that time?

17 A. The biggest part was my time  
18 sheets with the beach.

19 Q. Concerning you?

20 A. Concerning the August 28  
21 incident.

22 Q. Gilbert?

23 A. Gilbert, yes. They showed me --  
24 basically they had a stack of time sheets  
25 like you have here which is Exhibit-10 of

1 E. Carter

2 mine and other officers, and they asked me  
3 to look at it and tell me when I worked. So  
4 I told them, you know, looking at it, I told  
5 them when I worked.

6 And then they showed me another  
7 officer's time sheets and asked me when he  
8 worked, and I told them I couldn't answer  
9 it. And they asked me again, they said,  
10 "Well, if you worked, for an example, on  
11 that Tuesday, the three tour and he has the  
12 Tuesday three tour, he worked?" I said, "I  
13 can't answer for somebody else when they  
14 worked or when they didn't work."

15 Q. Okay. What else did they ask  
16 you, other than that question?

17 A. I don't recall at this time.

18 Q. Did they ask you any specific  
19 questions at that time about Mr. Hesse?

20 A. I don't recall. No. I don't  
21 recall at this time. No. Not to my  
22 knowledge.

23 Q. Okay. When's the next time you  
24 spoke with any representative from Suffolk  
25 County DA?

1 E. Carter

2 A. It would have been April of '06  
3 which I explained to you earlier.

4 Q. Okay. And the DA --

5 A. After April 2. You know, it was  
6 approximately April 6.

7 Q. And you called them?

8 A. Yes.

9 Q. And where did you have this  
10 conversation?

11 A. In their office.

12 Q. Okay. And how long was this  
13 conversation with these six detectives and a  
14 prosecutor?

15 A. It was approximately half hour,  
16 if it lasted long -- a little longer than  
17 that.

18 Q. And did they ask you any  
19 questions about George Hesse?

20 A. I don't recall if they asked  
21 pinpoint questions.

22 Q. So you volunteered the fact that  
23 you believe that Mr. Hesse was having sexual  
24 affairs while on duty?

25 MR. GOODSTADT: Objection.

1 E. Carter

2 A. That was probably during the  
3 third meeting I had with them.

4 Q. What third meeting?

5 A. There was -- well, the fourth  
6 meeting. I'm sorry. The fourth meeting.

7 Q. Well, when was the fourth  
8 meeting?

9 A. Approximately -- approximately a  
10 week later I had to -- the handwritten notes  
11 I had, I had to bring them up to them and  
12 give it to them.

13 Q. Oh, okay. So let's go back to  
14 that April meeting. They asked you to do  
15 what, if anything, in this April meeting?

16 A. When I explained to them that I  
17 was let go and they saw that I was pretty  
18 upset, they said, "Well, why did he -- why  
19 did he let you go?" I told him about the  
20 directive thing. And they said, "Well, what  
21 directives?" And they looked at me  
22 dumbfounded, too, like I looked at George,  
23 and they said, "Well, why do you think you  
24 were let go?" And I said, "I really don't  
25 know." I said, "With everything going on



1 E. Carter

2 with the Gilbert thing, I can't tell you."

3 I said, "You know, I don't know if it had

4 anything to do with the guys over there

5 being spooked because of the thing with

6 Islip town with the corruption thing where

7 the upper bosses were taken out and I never

8 spoke to the District Attorney's office." I

9 said, "I don't know. I have no idea what's

10 going on."

11 And they said, "Listen," they

12 said, "Go home, get a piece of paper, and

13 write some notes." And that's what I did.

14 Q. Write some notes about what?

15 A. About anything I had knowledge of

16 with Ocean Beach as far as the way the

17 police department ran. Anything.

18 Q. So you had a choice, then, to

19 decide what you were going to tell them and

20 what you didn't, right?

21 MR. GOODSTADT: Objection.

22 A. I was going to tell them the

23 truth.

24 Q. Okay. And you sent a -- you

25 wrote out on a piece of paper?

1 E. Carter

2 A. It was -- yeah. Approximately --  
3 it was looseleaf type paper, two pieces.

4 Q. Okay. And you wrote that  
5 Mr. Hesse engaged in a sexual affair while  
6 on duty with women?

7 A. I don't recall if that was in my  
8 notes, but yes, he did. I know that for a  
9 fact.

10 Q. No. I'm not interested in what  
11 he may not have done or done. I'm asking  
12 did you advise the Suffolk County DA that --  
13 in this document that you wrote, that  
14 Mr. Hesse was engaging in sexual affairs  
15 with women while on duty?

16 MR. GOODSTADT: Objection.  
17 Asked and answered.

18 A. Again, I don't recall at this  
19 time if I did or not.

20 Q. Did you advise the Suffolk County  
21 DA in this letter -- in this document that  
22 you wrote, that George Hesse asked you to or  
23 asked officers to chauffeur drunken officers  
24 around the village?

25 A. No, I don't believe I did that.

1 E. Carter

2 Q. What did you advise the Suffolk  
3 County DA on this written document that you  
4 just referred to?

5 A. There was -- basically that I  
6 was -- you know, Chief Loeffler was the  
7 chief. Winnie Loeffler was the court clerk.  
8 There was Joe Loeffler's the mayor. Alan  
9 Loeffler was working for the department.  
10 They asked -- I put down about some  
11 uncertified officers. Couple of incidents  
12 that happened in front of me with the drinks  
13 coming into the station that I recall at  
14 this time. Again, there was a front, back  
15 and a front, so I don't recall exactly.

16 Q. You told them in this written  
17 document that you wrote a week after the  
18 April meeting with them, that Mr. Loeffler  
19 was the mayor?

20 A. No. I believe I put down he was  
21 a trustee at that time.

22 Q. He wasn't the mayor at the time,  
23 right?

24 A. I don't recall, to be honest with  
25 you.

1 E. Carter

2 Q. Okay. Okay. When was the next  
3 time after -- well, did you hand him this  
4 written document or did you mail it to him?

5 A. I believe I dropped it off.

6 Q. Do you have a copy of this?

7 A. No. They have the original.

8 Q. You didn't make a copy?

9 A. No, sir.

10 Q. For your own records you made no  
11 copy?

12 A. No, sir.

13 Q. And did you have any other  
14 meetings with the Suffolk County DA after  
15 you dropped off this written document?

16 A. Yes.

17 Q. When was the next time that you  
18 had a meeting with them?

19 A. I don't recall exactly  
20 chronologically when it happened, but  
21 Detective Warkenthien came to my house in  
22 2007 -- 2007. Referenced the conversation  
23 we had, and, you know, again, I added more  
24 to it. The photos that were there with the  
25 grand jury subpoena laying on the desk, I

1 E. Carter

2 let them know about that.

3 Q. What photos?

4 A. The photos of the police  
5 department offices. I let them know right  
6 after the Gilbert incident that Bill  
7 Embreui, who I was misidentified as  
8 apparently, shaved his mustache I recalled,  
9 and you know, how everybody, you know,  
10 basically isolated themselves from me. I  
11 also gave a statement in reference to  
12 something Bill Embreui said to me.

13 Q. What did Mr. Embreui say to you?

14 A. The night of the Gilbert  
15 incident, Bill Embreui came in -- well, the  
16 Friday after the Gilbert incident, Bill  
17 Embreui came into the police station, I was  
18 working the desk around 2:00, 2:30 in the  
19 morning. He was looking, you know, standing  
20 there and he said, "What's up?" You know,  
21 basically small talk, and then he says, "You  
22 want to know what I know?" I said, "I don't  
23 know. I don't really -- what do you know?"  
24 So he says oh, the night of the Gilbert  
25 thing, he was outside across the street on

1 E. Carter

2 Bay Walk talking to one of Gilbert's friends  
3 who was a police officer over in Europe, and  
4 Gilbert was inside getting the summons. You  
5 know, he was telling the guy everything will  
6 be fine. He'll be out in a couple minutes.

7 With that, the front door opened  
8 and Gilbert started yelling -- kicked the  
9 door. Bill walked across the street on Bay  
10 Walk. Walked up the deck. Gilbert was  
11 pulled back inside. Bill went inside the  
12 door, and when the shit hit the fan, he  
13 turned around and he done -- he did with the  
14 thumb lock. He motioned he locked the door  
15 with the thumb lock so no one else could  
16 come in.

17 Q. Now when did Bill tell you this?

18 A. That was the Friday immediately  
19 after -- Friday into Saturday morning  
20 immediately after the Gilbert incident.

21 Q. So you knew about what  
22 Mr. Embreui said to you in September of  
23 2005, right?

24 A. Yes.

25 Q. October 2005?

1 E. Carter

2 A. Yes.

3 Q. You didn't say anything to the DA  
4 then, did you?

5 A. There was no reason at that --  
6 they didn't ask me about it and there was no  
7 reason -- I didn't think Bill -- you know,  
8 Bill locked the door at that point.

9 Q. Oh, so you don't think Bill did  
10 anything wrong by locking the door?

11 MR. GOODSTADT: Objection.

12 Q. Well, did you think Bill did  
13 anything wrong by locking the door as he  
14 said he did?

15 A. At that time, no.

16 Q. So what was the reason for you  
17 telling the DA about what Bill Embreui told  
18 you, if you didn't think he did anything  
19 wrong?

20 A. They --

21 Q. After you were allegedly fired?

22 A. Detective Warkenthien, again -- I  
23 had an April I believe it was '07 discussion  
24 with him, and he asked me -- that was  
25 sometime in August I believe it was. I gave

1 E. Carter

2 him the statement.

3 Q. So let me understand this, you  
4 didn't make -- you didn't advise the DA of  
5 anything that went on that you were told  
6 involving the Gilbert incident until after  
7 you were allegedly fired on April 2, 2006,  
8 right?

9 MR. GOODSTADT: Objection.

10 A. No. Just that, you know, when  
11 they were interviewing people, Arnie  
12 Hardman -- no.

13 Q. In fact, the only thing you told  
14 them before you were allegedly terminated on  
15 April 2, 2006 was that you weren't present  
16 that night, right?

17 A. Basically, yes.

18 Q. Did you ever testify before the  
19 grand jury?

20 A. No.

21 Q. Were you ever asked to?

22 A. No.

23 Q. The DA ever ask you to wear a  
24 wire?

25 A. No.



1 E. Carter

2 Q. To your knowledge, did the DA  
3 ever ask any of the other Plaintiffs to wear  
4 a wire?

5 A. No.

6 Q. When was the last time you spoke  
7 to the DA?

8 A. Um, last time you canceled my  
9 deposition. I don't know the exact date.

10 Q. Why was it that you spoke to the  
11 DA the last time we canceled your  
12 deposition?

13 A. As the case was proceeding, I  
14 would just give him a call and let him know  
15 he was going for a deposition. The last --  
16 I was canceled actually I believe out of  
17 three of them or two of them, and just to  
18 let them know. That didn't tell me  
19 anything. I didn't basically --

20 Q. Why did you feel it necessary to  
21 keep the DA advised of the status of this  
22 case?

23 MR. GOODSTADT: Objection.

24 A. I -- I wasn't sure with the Bill  
25 Embreui statement, if I was allowed to

1 E. Carter

2 disclose that or not, and my attorney told  
3 me I was.

4 MR. GOODSTADT: Objection.

5 Don't testify to anything your attorney  
6 told you.

7 Q. The question to you, sir, is why  
8 did you feel it necessary to advise --  
9 well, given that you talked to your attorney  
10 about what you could or could not say, and I  
11 don't really want to know what you and your  
12 attorney talked about, why did you feel it  
13 necessary to keep the DA advised of whether  
14 or not you were being deposed in this case?

15 MR. GOODSTADT: Objection.

16 A. I just -- they were honest with  
17 me, you know, that they didn't -- I felt  
18 they were honest with me about telling me I  
19 never wore a wire and stuff, and they,  
20 again, they got the -- they got the  
21 original thing that I was working that  
22 night, which I wasn't, so no. I just made a  
23 phone call.

24 Q. They were honest with you about  
25 you never wearing a wire, is that what you

1 E. Carter

2 testified about?

3 A. I believe they aren't the one  
4 that started that with the wire.

5 Q. Oh, okay. That's what you mean.  
6 So how many times have you spoken to the DA  
7 about this lawsuit?

8 A. About my lawsuit in particular?

9 Q. Yeah. 'Because you called them up  
10 to tell them that you weren't being deposed,  
11 so --

12 A. Deposed, maybe three times.

13 Q. Why?

14 A. I just -- I don't know. I just  
15 felt they should know I was going to get  
16 deposed.

17 Q. Did they ask you to call them?

18 A. No.

19 Q. What DA did you speak with about  
20 you being deposed?

21 A. Detective Warkenthien.

22 Q. Detective what?

23 A. Warkenthien.

24 Q. Is he a DA or is he a detective?

25 A. Detective.

1 E. Carter

2 Q. Have you spoken to any DA?

3 A. Originally?

4 Q. About you being deposed?

5 A. No.

6 Q. So why did this detective care,  
7 to your knowledge, that you were being  
8 deposed?

9 MR. GOODSTADT: Objection.

10 A. None that I know of.

11 Q. Have you been given any deal by  
12 the Suffolk County DA to cooperate?

13 A. Absolutely not.

14 Q. Have you been promised anything  
15 by the Suffolk County DA to cooperate in  
16 their case against Ocean Beach involving  
17 Gilbert?

18 A. Absolutely not.

19 Q. Were any of the Plaintiffs, to  
20 your knowledge, given any deals to cooperate  
21 with the DA involving the Gilbert case?

22 A. No. Absolutely not that I know  
23 of.

24 Q. Were any of the Plaintiffs on  
25 duty at the time of the alleged incident

1 E. Carter

2 involving Gilbert?

3 A. Best of my knowledge, no.

4 Q. Let's look at -- continue on the  
5 preliminary statement, last sentence of that  
6 page, "Plaintiffs' repeated and tireless  
7 efforts to champion integrity and the  
8 highest values of public service have met  
9 with abject failure, as the department has  
10 inexorably fallen under control of officers  
11 and commanders who, while in uniform, drink  
12 alcohol and frequent local bars," do you see  
13 that?

14 A. Yes.

15 Q. What commanders are you referring  
16 to?

17 A. George Hesse.

18 Q. Any other commander, other than  
19 Mr. Hesse?

20 A. No.

21 Q. Let's look at paragraph 13, page  
22 five, third sentence, "at all times," do you  
23 see that, end of the third sentence?

24 A. Yes.

25 Q. Okay. "At all times herein

1 E. Carter

2 mentioned -- hereinafter mentioned,  
3 Defendant Hesse was and is the official  
4 responsible for the management and  
5 supervision of the OBPD, including its  
6 maintenance and operation, as well as the  
7 hiring, promotion and discipline of  
8 employees and all other employment-related  
9 issues," do you see that?

10 A. Yes.

11 Q. Was Mr. Hesse responsible for all  
12 of this in 1991?

13 A. He wasn't there in 1991.

14 Q. What's that?

15 A. He wasn't there in 1991.

16 Q. Mr. Hesse wasn't there in 1991?

17 A. No, sir.

18 Q. Was Mr. Hesse responsible for all  
19 of this in 1992?

20 A. I don't believe he was there in  
21 1992.

22 Q. '93?

23 A. No.

24 Q. Who was?

25 A. Ed Paridiso and Chief Joe

1 E. Carter

2 Loeffler.

3 Q. Why do you say Chief Joe  
4 Loeffler?

5 A. Because Chief Joe Loeffler was  
6 there in 1991, two and three, and Ed  
7 Paridiso was a sergeant in '91, '92, '93.

8 Q. Joe Loeffler was the chief of  
9 police in 1993? Okay. I apologize. How  
10 about in 2001? I apologize. In 2001, was  
11 Mr. Hesse responsible for everything that  
12 you've alleged in paragraph 13?

13 A. Yes.

14 Q. He was?

15 A. Himself and the chief, yes.

16 Q. Well, who was responsible, the  
17 Chief Paridiso or George Hesse?

18 A. It was a joint -- I'm sure it was  
19 a joint shareman of that.

20 Q. How do you know?

21 A. I'm relating to -- it's my belief  
22 within my job, I'm responsible for the  
23 discipline of employees -- in my position  
24 with the Town of Islip, I could -- I'm  
25 responsible for the managerial position and

1 E. Carter

2 supervision of the park rangers under me.

3 Q. Well, that's all well and good,  
4 but my question for you is, in 2001, how do  
5 you know that George Hesse had any  
6 responsibility for the management and  
7 supervision of the OBPD?

8 MR. GOODSTADT: Objection.

9 Q. How do you know that?

10 A. He would give orders out.

11 Q. Okay. To whom?

12 A. To the officers. Myself and  
13 other officers.

14 Q. On his shift?

15 A. Yes.

16 Q. Okay. I'm talking about the  
17 entire Ocean Beach Police Department. How  
18 do you know that he was responsible for the  
19 management and supervision of the entire  
20 Ocean Beach Police Department as opposed to  
21 just the men on his shift?

22 A. Well, he would work 4:00 to  
23 12:00s, but he'd give me orders on midnights  
24 of stuff to do.

25 Q. Right. I understand that on his



1 E. Carter

2 shift, when you were working for him, he  
3 gave you orders, but this allegation doesn't  
4 refer to Chief Paridiso, does it?

5 A. No.

6 Q. And this allegation doesn't refer  
7 to your 12:00 -- your 4:00 to 12:00 shift,  
8 does it?

9 A. What 4:00 -- no.

10 Q. This doesn't refer to any  
11 specific shift, does it?

12 A. No.

13 Q. Your allegation says Hesse was  
14 and is the official responsible for the  
15 management and supervision of the Ocean  
16 Beach Police Department, do you see that?

17 A. No. I was just trying to find  
18 where you were.

19 Q. How do you know that Hesse was  
20 responsible for the management and  
21 supervision of the entire Ocean Beach Police  
22 Department as opposed to Chief Paridiso?

23 MR. GOODSTADT: Objection.

24 A. I don't at this time.

25 Q. Okay. Great. You go on to

1 E. Carter

2 allege that "Hesse, at all times herein  
3 mentioned, was responsible for the hiring,  
4 promotion and discipline of employees," do  
5 you see that?

6 A. No, I don't.

7 Q. Keep going.

8 A. This line here, "promotion and  
9 discipline of employees"?

10 Q. Yes. "The hiring, promotion and  
11 discipline of employees," do you see that?

12 A. Yes.

13 Q. All right. In 2001, how do you  
14 know that Hesse was responsible for the  
15 hiring of any Ocean Beach Police Department  
16 employee as opposed to Chief Paridiso?

17 A. In 2001, I don't know if George  
18 hired anyone.

19 Q. How about 2002?

20 A. George had the two Bosetti  
21 brothers hired.

22 Q. How do you know he was  
23 responsible for the hiring?

24 A. He told us that.

25 Q. Okay. And do you know if he had

1 E. Carter

2 to get it approved by Chief Paridiso?

3 A. No, I don't.

4 Q. Do you know if Chief Paridiso had

5 to get it approved by the mayor?

6 A. No, I don't.

7 Q. Okay. So then my question to you

8 is, how do you know, in 2002, that Defendant

9 Hesse was the official responsible for the

10 hiring of Ocean Beach Police Department

11 employees?

12 MR. GOODSTADT: Objection. He

13 just testified to it.

14 Q. As opposed to a particular

15 employee?

16 A. Those two employees that I know

17 of. I don't recall who else came on in

18 2002.

19 Q. Okay. But you don't know what

20 chain of command Mr. -- if any, that

21 Mr. Hesse had to go through in order to get

22 the Bosetti brothers hired, correct?

23 A. No.

24 Q. And you don't know who had to

25 ultimately sign off on their hires, correct?

1 E. Carter

2 A. No.

3 Q. You don't know if the board of  
4 trustees had to approve it, do you?

5 A. No.

6 Q. And you don't know if the mayor  
7 had to approve it, do you?

8 A. No.

9 Q. Okay. Let's look at paragraph  
10 19. Let's look at the last sentence. You  
11 write "Sanchez was and is directly  
12 responsible for overseeing personnel actions  
13 taken by Ocean Beach and the OBPD and for  
14 ensuring that such personnel actions conform  
15 to Suffolk County Civil Service regulations  
16 and other applicable laws," do you see that?

17 A. Yes.

18 Q. Have you ever met Alison Sanchez?

19 A. No.

20 Q. Have you ever had a conversation  
21 with Alison Sanchez?

22 A. No.

23 Q. If Alison Sanchez stood before  
24 you right now, would you know what she --  
25 would you know what she looked like?

1 E. Carter

2 A. Possibly, from a picture I've  
3 seen.

4 Q. Okay. How do you know, sir, that  
5 Ms. Sanchez was and is directly responsible  
6 for overseeing personnel actions by Ocean  
7 Beach and the Ocean Beach Police Department?

8 A. George Hesse stated she was in  
9 charge of the account for the Ocean Beach  
10 Police Department, the Village of Ocean  
11 Beach.

12 Q. And that's the basis for your  
13 knowledge?

14 A. He's the one that she was working  
15 with to get the uncertified certified.

16 Q. I'm not asking about the  
17 uncertified and certified. I'm asking about  
18 being directly responsible for overseeing  
19 personnel actions.

20 MR. GOODSTADT: He just  
21 testified that's what his basis is.

22 Q. Your opinion is based upon what  
23 Mr. Hesse told you?

24 A. Yes.

25 Q. You have no independent

1 E. Carter

2 recollection -- knowledge?

3 MR. GOODSTADT: Objection.

4 Objection. You're misstating his  
5 testimony. He's testified that what  
6 Hesse told him and that she was the one  
7 who worked with him. That's the basis.

8 MR. NOVIKOFF: Worked with  
9 Hesse?

10 MR. GOODSTADT: Yes.

11 Q. But you don't know that she  
12 worked with Hesse, other than Hesse telling  
13 you, right?

14 A. That and the correspondence that  
15 came back and forth from civil service with  
16 her on it.

17 Q. To whom?

18 A. To George Hesse and the village.

19 Q: And you saw that correspondence?

20 A. Yes. They were left on the desk.

21 Q. And do you know who Ms. Sanchez's  
22 superior was, if anybody, at this time?

23 A. My guess would be --

24 Q. No, not your guess. Do you know  
25 who, if anyone, was Ms. Sanchez's

1 E. Carter

2 superior --

3 MR. GOODSTADT: Objection.

4 Q. -- at any point in time between  
5 2001 and the date -- and April 2, 2006?

6 MR. GOODSTADT: Objection. You  
7 can answer however you want to answer.

8 Q. Do you know who, if anybody, was  
9 Ms. Sanchez's superior between 2001 and  
10 April 2, 2006?

11 A. Through our discovery, yes.

12 Q. Who?

13 A. Stanley Pelt.

14 Q. Stanley Pelt?

15 A. Yes.

16 Q. So other than through discovery,  
17 you did not know?

18 A. No.

19 Q. Who is Stanley Pelt?

20 A. He's the -- if I had the document  
21 in front of me, the senior analyst I believe  
22 it's called under civil service. Civil  
23 service analyst.

24 Q. 26, you allege "throughout their  
25 careers with OBPD, Plaintiffs performed

1 E. Carter

2 their duties in an exemplary fashion and  
3 were never the subject of a public  
4 complaint, investigation or disciplinary  
5 action." Is it your testimony, sir, that  
6 while you were employed at Ocean Beach, that  
7 no member of the public ever wrote a  
8 complaint about you?

9 A. Yes.

10 Q. In any capacity?

11 A. Yes.

12 Q. Involving any conduct you were  
13 involved in pertaining to either Ocean Beach  
14 or the Town of Islip?

15 A. Yes.

16 Q. Okay. Let's look at paragraph  
17 36. 36 is alleged "Plaintiffs each advised  
18 Hesse on numerous occasions that the  
19 department and village were left dangerously  
20 short of personnel when Plaintiffs were  
21 assigned to chauffeur intoxicated officers  
22 and their civilian friends," do you see  
23 that?

24 A. Yes.

25 Q. Did you complain to Mr. Hesse on



1 E. Carter

2 numerous occasions about what I've just read  
3 based upon your allegation in 36?

4 A. Yes.

5 Q. When's the first time that you  
6 complained to Mr. Hesse about this?

7 A. When it was --

8 Q. Not -- I'm looking for a date.

9 MR. GOODSTADT: He's telling  
10 you when.

11 A. Summer of 2003.

12 Q. Okay. And what did Mr. Hesse say  
13 to you, if anything, when you complained to  
14 him?

15 A. He ignored it at that time and it  
16 continued. We explained to him that --

17 Q. No. I just want to know what his  
18 reaction was. He ignored it?

19 A. He basically ignored it.  
20 Shrugged it off.

21 Q. Okay. When was the next time  
22 that you complained to -- you personally  
23 complained to Mr. Hesse concerning what I  
24 just read from paragraph 36?

25 A. The later part of that summer.

1 E. Carter

2 Q. Okay. And what did Mr. Hesse do,  
3 if anything?

4 A. He spoke to the individuals that  
5 were going out to the bars drinking, and  
6 told them to wait until 5:00 in the morning.

7 Q. Okay. But who assigned the  
8 officers to chauffeur these other officers  
9 around?

10 A. That was not with me, but George  
11 told us for a while to take the officers to  
12 the checkpoint from the village leaving one  
13 guy in. The midnights had two officers on.

14 Q. When you say that wasn't you,  
15 what do you mean?

16 A. This part of the complaint is  
17 each of the Plaintiffs in the lawsuit  
18 were --

19 Q. No. I'm saying, who assigned --  
20 did you ever have to chauffeur anybody?

21 A. Yes.

22 Q. Who assigned you to chauffeur  
23 people?

24 A. George Hesse.

25 Q. Okay. And you first complained

1 E. Carter

2 to George Hesse in the summer of 2003,  
3 right?

4 A. Yes.

5 Q. And your next complaint was when,  
6 to George Hesse about this chauffeuring?

7 A. The latter part of 2003.

8 Q. And what did Mr. Hesse say to you  
9 in response to your complaint, if anything?

10 A. He just basically said, "I'll  
11 take care of it."

12 Q. And did he?

13 A. I noticed I wasn't leaving the  
14 village as much when I came in on the  
15 weekends, yes.

16 Q. When you say you weren't leaving  
17 the village as much, what do you mean?

18 A. To chauffeur people back and  
19 forth to the checkpoint.

20 Q. When you say "people," you mean  
21 officers?

22 A. Officers, friends of George  
23 Hesse.

24 Q. Okay. Did you continue to  
25 chauffeur officers or friends of George

1 E. Carter

2 Hesse after your second complaint to  
3 Mr. Hesse in 2003?

4 A. 2003, no. It went into the  
5 winter months.

6 Q. What's that?

7 A. It went into the off season, no.

8 Q. What went into the off season?

9 A. In other words, this was during  
10 the summer months it was the most. Going  
11 into the winter months I worked by myself.

12 Q. Well, no. My question to you,  
13 sir, is you complained to Mr. Hesse for a  
14 second time in the summer of 2003 about  
15 having to chauffeur friends of his or other  
16 officers to the checkpoints. After the  
17 second complaint when Mr. Hesse said he  
18 would take care of it, did you, in 2003,  
19 chauffeur anybody else?

20 A. Not that I recall.

21 Q. Okay. How about 2004, did you  
22 chauffeur anybody at Mr. Hesse's request in  
23 2004?

24 A. Yes.

25 Q. On how many occasions?

1 E. Carter

2 A. Exactly I couldn't give you a  
3 number. I'd say approximately six to eight  
4 times.

5 Q. Friends of George Hesse?

6 A. Sometimes it was friends of  
7 George Hesse. Sometimes it was the  
8 officers.

9 Q. Okay. And was this always at the  
10 request -- at the direction of Mr. Hesse?

11 A. Yes.

12 Q. How many times in 2004 -- well,  
13 did you complain to Mr. Hesse in 2004?

14 A. About the taking the officers  
15 after they were drinking, yes.

16 Q. Or the friends?

17 A. The friends, not as much.

18 Q. Why not?

19 A. Because he would call me and tell  
20 me to wait at the checkpoint for 20 minutes,  
21 30 minutes. Somebody was coming in, a  
22 friend of his, company or whatever, and I  
23 would wait, and then I would pick the person  
24 up and drive them into the village.

25 Q. Okay. But my question is, why --

1 E. Carter

2 why did you complain to Hesse about the  
3 officers, but not as much as about the  
4 friends?

5 A. Because the officers directly  
6 affected me and my partner, where driving  
7 the friends didn't directly affect me.  
8 George waited in the village until I got  
9 there.

10 Q. George didn't wait in the village  
11 when he directed you to chauffeur the  
12 officers?

13 A. No.

14 Q. Where was George?

15 A. He might have been upstairs  
16 sleeping or he might have been home.

17 Q. How did he direct you? By phone?

18 A. Prior to getting off. I'd come  
19 in at midnight.

20 Q. Prior to you getting off or prior  
21 to Hesse getting off?

22 A. Both of us meeting at roughly  
23 12:00. Somewhere in that time. 11:30.

24 Q. No, but I'm wondering, when  
25 Hesse, in 2004, directed you to chauffeur

1 E. Carter

2 police officers to the checkpoint, was he on  
3 duty at the time?

4 A. Yes.

5 Q. And so what makes you say that he  
6 wasn't still on duty when you were  
7 chauffeuring these officers?

8 A. The -- because he would go off  
9 duty. In other words, I'd see him while he  
10 was still on duty.

11 Q. Okay.

12 A. And then I'd be off. You know,  
13 he'd go off duty and I'd be on for the eight  
14 hours.

15 Q. Okay. I understand now. So did  
16 you complain to George Hesse in 2004 about  
17 him directing you to chauffeur either his  
18 friends or the police officers?

19 A. Yes.

20 MR. GOODSTADT: Objection.

21 Q. Okay. And what did -- when was  
22 the first time you complained in 2004?

23 A. Would have been June of 2004.

24 Q. And what did you say to him?

25 A. "George, you know, this is

1 E. Carter

2 bullshit," straight out. "It's bullshit  
3 that I got to take these guys out and leave  
4 either John or Kevin, Tom, whoever by  
5 themselves in the village."

6 Q. And what did Hesse say to you, if  
7 anything, after your first complaint in  
8 2004?

9 A. "Just do it."

10 Q. Okay. And did there come a  
11 second time that you complained to Hesse in  
12 2004 about chauffeuring either his friends  
13 or these officers?

14 A. Yes.

15 Q. When?

16 A. I'd say July or August. July.

17 Q. What did you say to him?

18 A. That, "Again, you're leaving the  
19 village short. You can't do this."

20 Q. And what did he say to you?

21 A. He shrugged it off, then walked  
22 out.

23 Q. Did you complain to him a third  
24 time in 2004?

25 A. There was, again, the complaints



1 E. Carter

2 were there, they weren't being answered, so  
3 at that point, you know, you wind up talking  
4 to dead ears.

5 Q. No. I understand that. So my  
6 question is, did you complain to Mr. Hesse a  
7 third time in 2004?

8 A. I would say yes. Right around  
9 Labor Day.

10 Q. And what did you say to Hesse?

11 A. I said, "George, you know, again,  
12 the other night we have to go -- you know,  
13 we had to go gas the vehicle and stuff." I  
14 said, "I'm driving these guys out, coming  
15 back to the village, then driving out of the  
16 village again to go gas the vehicle. I'm  
17 leaving the village, two, two and a half  
18 hours empty."

19 Q. And what did Hesse say to you  
20 this third time?

21 A. That's when we started gassing  
22 the vehicle in the morning.

23 Q. But what did Hesse say to you in  
24 response to your complaint on the third --  
25 the third time in 2004?

1 E. Carter

2 A. Nothing.

3 Q. Okay. Did you complain a fourth  
4 time in 2004?

5 A. That I recall at this time, no.

6 Q. How about 2005, did you complain  
7 to Hesse about -- well, did Hesse ever  
8 direct you, in 2005, to chauffeur either his  
9 friends or -- or police officers who were  
10 intoxicated?

11 A. If there were two trucks, no. If  
12 there was the one truck, yes.

13 Q. I'm just asking you if you recall  
14 him ever directing you, regardless of how  
15 many trucks there may have been?

16 A. No. It was just standing, drive  
17 the guys out. When they're done, just drive  
18 them out. Get them out of the village so  
19 they can go home.

20 Q. So he did direct you to chauffeur  
21 these guys to the checkpoint?

22 A. In 2004, yes.

23 Q. How about 2005?

24 A. Yes.

25 Q. Did you complain to Hesse in 2005

1 E. Carter

2 about doing this?

3 A. Yes. I'd say yes.

4 Q. Even though your complaints in

5 2003 and 2004 were ignored?

6 A. Yeah. Because it wasn't as --

7 it got -- it got worse but it wasn't because

8 there were two vehicles. So there was, you

9 know, the vehicles were in the village, so

10 they would take the keys, the guys that were

11 driving out.

12 Q. I don't understand. What's the

13 difference having two vehicles if you were

14 still leaving the village short, in your

15 opinion?

16 A. I wouldn't have to leave the --

17 when there were two vehicles, I wouldn't

18 have to leave the village short. They would

19 just take the other vehicle.

20 Q. Oh, the other officers?

21 A. Yes, the other officers.

22 Q. So my question, sir, is in 2005,

23 did Hesse direct you to chauffeur any police

24 officers to the checkpoints or his friends?

25 A. Yes.

1 E. Carter

2 Q. And did you complain to Hesse in  
3 2005?

4 A. Actually, me and George got into  
5 a pretty big blow up that year.

6 Q. Well, that's nice, but did you  
7 complain to Mr. Hesse about --

8 A. Yes.

9 Q. -- this specific direction?

10 A. Yes.

11 Q. When? When was the first time?

12 A. It was I believe, as I recall, it  
13 was July 4th weekend. The truck got stuck  
14 in the sand. I was the senior officer in  
15 the vehicle with the midnight guys coming  
16 on. There were approximately --  
17 approximately six of us in the vehicle and  
18 two females. Arnie Hardman was driving.  
19 Buried the truck in the sand. Rich and Gary  
20 Bosetti took the second truck to come pull  
21 us out of the sand. While doing so, they  
22 buried that truck. There's only George in  
23 the village and I believe it was Ken  
24 Bockelman. George is on the radio  
25 screaming. Suffolk County Marine Bureau is

1 E. Carter

2 coming to pick us up. I had to go on a call  
3 with Suffolk County Marine Bureau to Kismet  
4 for a fight because they had no back up,  
5 they were pulling our vehicles out.

6 Once our vehicles got out, Arnie  
7 Hardman then drove it into the mud over in  
8 what's -- trying to think, just west of  
9 Corneille. I'm going to say Lonelyville  
10 it's called there. Lonelyville. I'm not  
11 100 percent sure.

12 Q. Are you done or are you --  
13 because my question was when and you said  
14 July 4 --

15 A. Yeah. Okay. Sorry.

16 MO MR. NOVIKOFF: So motion to  
17 strike as nonresponsive.

18 Q. When was the first time in 2005  
19 that you complained to George Hesse about  
20 his direction to you to chauffeur either his  
21 friends or police officers?

22 A. July 2005.

23 Q. Okay. And what was Mr. -- what  
24 did you say to George Hesse when you  
25 complained to him?

1 E. Carter

2 A. He was pretty -- he said -- I  
3 told him, I said, "George, you know, it  
4 wasn't my" -- he goes, "Eddie, it is your  
5 fault. You're the senior officer. You knew  
6 better." I said, "George, I wasn't driving  
7 the truck." He goes, "It's a weekend." I  
8 said, "George, this is what happens when we  
9 drive the guys in and out, leaving one  
10 person in here." And he just got pissed off  
11 and sent me to the back streets for the  
12 night. He banished me.

13 Q. Okay. And was there a second  
14 time that you complained to George Hesse  
15 about his directions to either chauffeur  
16 officers or his friends to checkpoints?

17 A. There was one other time myself  
18 and -- yeah, Richard Bos -- Gary Bosetti, I  
19 had to drive him and Rich out, and they were  
20 very belligerent about it. So I drove them  
21 out. I said something to George when I saw  
22 him next, and he says, "Just do it. Just do  
23 it."

24 Q. All right. Was that the last  
25 time in 2005 that you recall complaining to

1 E. Carter

2 Hesse about his directions for you to  
3 chauffeur either officers or friends?

4 A. Yes.

5 Q. Okay. In 2000 -- how about 2006?

6 A. I had only worked approximately  
7 three days, two days.

8 Q. And when was that Bosetti  
9 incident that you just -- the second  
10 complaint that you made in 2005?

11 A. That was approximately August of  
12 2005.

13 Q. Okay. In 2003, did you ever  
14 complain to Chief Paridiso about Hesse's  
15 direction?

16 A. No.

17 Q. How about to Mayor Rogers?

18 A. No.

19 Q. How about to Trustee Loeffler?

20 A. No.

21 Q. How about to any other trustee?

22 A. No.

23 Q. Did you send any communication to  
24 Newsday or News 12 or any other media outlet  
25 concerning this complaint about you leaving

1 E. Carter

2 the village short of personnel because of  
3 this direction to chauffeur people?

4 A. No.

5 Q. Same questions with regard to  
6 2004, would your answers change?

7 A. No.

8 Q. Same questions with regard to  
9 2005, would your answers change?

10 A. No.

11 Q. So if I understand your testimony  
12 correctly, that for 2003, 2004, 2005, other  
13 than to George Hesse, you made no other  
14 complaints to any other person or entity  
15 concerning Hesse's direction to you to  
16 chauffeur police officers or friends to  
17 checkpoints?

18 MR. GOODSTADT: Objection.

19 That's not what he testified to.

20 Q. Is that correct, sir?

21 A. No.

22 Q. Well, I'll break it down, then.  
23 You testified about 2003. Let's go to 2004.  
24 Did you complain to Chief Paridiso about  
25 this direction to chauffeur people?



1 E. Carter

2 A. No.

3 Q. Did you complain to Trustee

4 Loeffler?

5 A. No.

6 Q. Did you complain to Mayor Rogers?

7 A. No.

8 Q. Did you complain to any trustee

9 members?

10 A. No.

11 Q. Did you raise a complaint with

12 News 12?

13 A. No.

14 Q. Newsday?

15 A. No.

16 Q. Local village paper?

17 A. No.

18 Q. Any other media outlet?

19 A. No.

20 Q. Okay. 2005, did you complain to

21 Chief Paridiso about chauffeuring and

22 leaving the village short?

23 A. No.

24 Q. Did you complain to Mayor --

25 Mayor Rogers?

1 E. Carter

2 A. No.

3 Q. Did you complain to Chief  
4 Loeffler -- I'm sorry, Trustee Loeffler?

5 A. No.

6 Q. Did you complain to any other  
7 trustee?

8 A. No.

9 Q. Did you raise a complaint to News  
10 12?

11 A. No.

12 Q. Newsday?

13 A. No.

14 Q. Any local newspaper?

15 A. No.

16 Q. Any other media outlet?

17 A. No.

18 Q. 41, how many times did Mr. Hesse  
19 instruct you to remove empty beer cans and  
20 other refuse that uncertified officers  
21 abandoned in their vehicles and left strewn  
22 about the police station after a night on  
23 duty?

24 A. Every time it happened.

25 Q. How many times did it happen in

1 E. Carter

2 2003?

3 A. I can't give you an exact number.  
4 It was approximately every other weekend or  
5 every weekend that I'd come into the station  
6 and be throwing the stuff out, and I, you  
7 know, told him, "George, you know, this is  
8 bullshit. I'm cleaning up beers and stuff  
9 in the police station."

10 Q. How about 2004, how many times?

11 A. Same. It got -- 2004 -- 2005 was  
12 the worst. 2004 was --

13 Q. Did you complain in 2003 to  
14 Hesse?

15 A. About cleaning up, yes.

16 Q. Did you complain in 2004 to  
17 Hesse?

18 A. Yes.

19 Q. 2005?

20 A. Yes. That's when it was really  
21 bad.

22 Q. In 2005, did you complain to  
23 Chief Paridiso?

24 A. No.

25 Q. Trustee Loeffler?

1 E. Carter

2 A. No.

3 Q. Mayor Rogers?

4 A. No.

5 Q. Any other trustee?

6 A. No.

7 Q. Newsday?

8 A. No.

9 Q. News 12?

10 A. No.

11 Q. Any other local paper?

12 A. No.

13 Q. Any other media outlet?

14 A. No.

15 Q. 2004, did you complain to Chief

16 Paridiso?

17 A. No.

18 Q. Trustee Loeffler?

19 A. No.

20 Q. Mayor Rogers?

21 A. No.

22 Q. Newsday?

23 A. No.

24 Q. Any other trustee?

25 A. No.

1 E. Carter

2 Q. News 12?

3 A. No.

4 Q. Any other local newspaper?

5 A. No.

6 Q. Any media outlet?

7 A. No.

8 Q. Anybody, other than Chief Hesse,  
9 did you complain to in 2004?

10 A. He wasn't the chief then, so yes.  
11 No.

12 Q. Other than Mr. Hesse, did you  
13 complain to anybody?

14 A. No.

15 Q. Same question for 2003, did you  
16 complain to Chief Paridiso?

17 A. No.

18 Q. Trustee Loeffler?

19 A. No.

20 Q. Mayor Rogers?

21 A. No.

22 Q. Any other trustee?

23 A. No.

24 Q. News 12?

25 A. No.

1 E. Carter

2 Q. Newsday?

3 A. No.

4 Q. Local newspaper?

5 A. No.

6 Q. Any other media outlet?

7 A. No.

8 Q. Okay.

9 MR. NOVIKOFF: Changing the  
10 tape.

11 THE VIDEOGRAPHER: This ends  
12 tape number five. The time is 4:19  
13 p.m. Going off the record.

14 (A break was taken.)

15 THE VIDEOGRAPHER: This begins  
16 tape number six. The time is 4:30 p.m.  
17 Back on the record.

18 Q. Okay. Sir, let's go to paragraph  
19 51 of your complaint. Can you just read it  
20 and tell me when you're done?

21 A. (Reviewing). I'm done.

22 Q. Did Hesse ever instruct you not  
23 to issue summonses to certain bars?

24 A. Yes.

25 Q. And to his clique of uncertified

1 E. Carter

2 officers? I'm sorry --

3 MR. GOODSTADT: Objection.

4 Q. Yes, to -- so Mr. Hesse  
5 instructed you not to issue summonses to  
6 certain bars?

7 A. Yes.

8 Q. What bars?

9 A. The bartenders at CJ's Bar.

10 Q. Any other bar?

11 A. It was a bar owner from  
12 Maguire's.

13 Q. Okay. Other than CJ's and  
14 Maguire's, did Hesse instruct you not to  
15 issue summonses to any other bars?

16 A. No.

17 Q. When did he first instruct you  
18 not to issue summonses to these bars?

19 A. Mine was an incident which  
20 happened at CJ's with an underaged drinker  
21 in 2005. Yeah, fall of 2005. Barry had  
22 served a drink to a minor.

23 Q. And how do you know it was a  
24 minor?

25 A. Just looking at him, and then I

1 E. Carter

2 ID'd him in the police station.

3 Q. Oh, you did ID him?

4 A. Yes.

5 Q. Okay. And was the only time  
6 Hesse instructed you personally not to issue  
7 a summons to certain bars?

8 A. Well, the second instance was  
9 Jimmy Bets, the owner of Maguire's, was  
10 driving down Bay Walk on his bicycle after  
11 hours, no light. I went to get him to write  
12 him a summons for that, and Andy Bets went  
13 inside. Got George Hesse. George came out.  
14 Yelled at me. Said, "You don't -- you don't  
15 write tickets to Jimmy." Gave Jimmy back  
16 his license. Sent him on his way.

17 Q. When did that take place?

18 A. That was the summer of 2005.

19 Q. So we have one incident involving  
20 CJ's in the fall of 2005 and one incident  
21 involving Maguire's in the summer of 2005?

22 A. With myself, yes.

23 Q. Both with yourself?

24 A. Yes.

25 Q. Okay. And any other incidences



1 E. Carter

2 where he instructed you not to issue a  
3 summons to a bar or someone who owned a bar  
4 or to a bartender?

5 A. No.

6 Q. Didn't -- how about in 2004?

7 A. Not that I recall. No.

8 Q. How about in 2003?

9 A. No.

10 Q. Okay. In the first instance in  
11 the summer of 2005, when in the summer of  
12 2005?

13 A. It was approximately July of  
14 2005.

15 Q. Okay. And did you complain to  
16 Hesse when he made this direct -- gave you  
17 this direction?

18 A. Yes.

19 Q. What did you say to him?

20 A. I said, "George, you know, what  
21 do you want me to do?" And with that he  
22 just -- "just get out of here. Get out.  
23 Get the back streets." That was his thing.  
24 He threw me on the back streets for the rest  
25 of the night.

1 E. Carter

2 Q. The second time in the fall of  
3 2005, did you complain to Hesse?

4 A. Yes.

5 Q. What did you say to him?

6 A. Well, he was there when I said  
7 I'm going to go write Barry a summons over  
8 at CJ's. He says, "No, you're not." I just  
9 looked at him. He goes, "They take care of  
10 us over there. They give us, you know, food  
11 and drinks. You're not writing him a  
12 summons." I said, "George, you know, what  
13 are we going to do?"

14 I got the minor. We wound up  
15 calling his parents. I had to drive the kid  
16 out to the checkpoint. Turn him over to his  
17 parents. George said he went to school with  
18 the mother of the child. And I just looked  
19 at him.

20 Q. Other than him telling you not to  
21 issue a summons -- well, withdrawn. What  
22 did you -- how did you complain to George,  
23 other than saying "George, what are we to  
24 do"?

25 A. Well, when he told me not to

1 E. Carter

2 write the summons, I just looked at him  
3 like, "What do you want me to do with this?"

4 Q. With regard to the two instances  
5 in 2005 that you just testified to, did you  
6 notify Chief Paridiso?

7 A. No.

8 Q. Did you complain to Chief  
9 Paridiso?

10 A. No. The second one in the fall,  
11 he was --

12 Q. My question to you is did you --

13 A. No.

14 Q. -- complain to Chief Paridiso?

15 A. No.

16 Q. Complain to Trustee Loeffler?

17 A. No.

18 Q. Complain to Mayor Rogers?

19 A. No.

20 Q. Complain to any trustee?

21 A. No.

22 Q. Did you advise Newsday?

23 A. No.

24 Q. News 12?

25 A. No.

1 E. Carter

2 Q. Any local newspaper?

3 A. No.

4 Q. Any other media outlet?

5 A. No.

6 Q. On 51, you then end it by saying  
7 "Plaintiffs frequently complained to Hesse  
8 about his unlawful directives he selectively  
9 enforced the law by disregarding crimes and  
10 other violations of law committed by Hesse's  
11 friends." Other than these two 2005  
12 incidents, were you personally involved with  
13 any other directive by Hesse to disregard  
14 crimes and other violations of law committed  
15 by Hesse's friends?

16 A. There was an apartment at Ocean  
17 Breeze and Bay Walk which whenever there was  
18 an incident with underage -- because there  
19 was underage youths up on the second floor,  
20 George had to be notified, and I went there  
21 with him one time.

22 Q. Okay. So on one occasion, you  
23 went to this apartment with George Hesse  
24 where you believe that there was underage  
25 drinking going on?

1 E. Carter

2 A. I know for a fact there was.

3 Q. How do you know for a fact?

4 A. Because when we got there, George  
5 knocked on the door. They opened the door.  
6 The youths had beer, Budweiser -- well,  
7 bottles labeled Budweiser beer in their  
8 hands and beer cups and other liquor laying  
9 around.

10 Q. And did you card these kids,  
11 these individuals?

12 A. No.

13 Q. Did you do anything to verify  
14 their age?

15 A. I was aware of a couple of the  
16 individuals who they were.

17 Q. Who were these individuals?

18 A. One was Paul Conway.

19 Q. And who were the other  
20 individuals that you knew?

21 A. The other ones were his friends  
22 which I personally never carded, but I was  
23 told they were underage.

24 Q. Who told you?

25 A. The other officers.

1 E. Carter

2 Q. Oh, so there were other officers  
3 there with you?

4 A. At that time there was, and also,  
5 from different instances of interacting with  
6 these youths.

7 Q. But you weren't there on the  
8 other instances, you were only there with  
9 Hesse on this one occasion?

10 A. Yes.

11 Q. And when was this occasion?  
12 What's the month, date and year? Month and  
13 year?

14 A. The month would have been July of  
15 '05.

16 Q. Okay. And did you complain to  
17 Hesse -- well, what did Hesse do when you  
18 showed up with him?

19 A. He got everybody out of the  
20 apartment and sent them on their way.

21 Q. Okay. And were there any other  
22 officers with you at this time with Hesse?

23 A. There were two which I don't  
24 recall at this time.

25 Q. Okay. And did you complain to

1 E. Carter

2 Hesse about this?

3 A. No.

4 Q. Did you advise Paridiso of what  
5 Hesse did?

6 A. No.

7 Q. Did you advise Loeffler?

8 A. No.

9 Q. Rogers?

10 A. No.

11 Q. Any other trustee?

12 A. No.

13 Q. Newsday?

14 A. No.

15 Q. News 12?

16 A. No.

17 Q. Any other media outlet?

18 A. No.

19 Q. Okay. So we have two

20 incidents -- two incidences in 2005

21 involving a bar owner or a bartender and

22 this incident involving minors in an

23 apartment. Any other incident that you were

24 personally involved in with Hesse where he

25 disregarded crimes and other violations of

1 E. Carter

2 law committed by his friends?

3 A. No.

4 Q. Okay. So paragraph 54, next  
5 page. Please read 54 and advise me when  
6 you're done.

7 A. (Reviewing). I'm finished.

8 Q. What involvement, if any, did you  
9 have in any allegation that's set forth in  
10 paragraph 54?

11 A. The apartment I was just talking  
12 about is this one.

13 Q. Okay.

14 A. I did see the Bosettis up on the  
15 balcony on another occasion with open  
16 alcohol.

17 Q. With the group -- with a group of  
18 minors?

19 A. The same minors that were there  
20 the first time.

21 Q. And did you complain to George  
22 Hesse about the Bosettis being on this  
23 balcony?

24 A. No.

25 Q. Did you complain to Paridiso?



1 E. Carter

2 A. No.

3 Q. Anybody?

4 A. No.

5 Q. Why not? Well, withdrawn. Why  
6 didn't you complain to Hesse about this?

7 A. First off, I don't think Hesse  
8 was on.

9 Q. What's that?

10 A. I don't think Hesse was working  
11 at that time.

12 Q. Who would have been in charge if  
13 Hesse wasn't working?

14 A. There was no supervisor when  
15 Hesse was off or Paridiso.

16 Q. Okay. Why didn't you advise  
17 Hesse the next time you saw him?

18 A. I just didn't because I saw the  
19 previous complaints and stuff of the  
20 drinking and these guys -- these two  
21 officers, Rich and Gary, were the same ones  
22 with the drinking in the vehicles and stuff  
23 going nowhere. So the more -- you know,  
24 the squeaky wheel gets the attention, and  
25 the attention would be I'd probably be put

1 E. Carter

2 out the door.

3 Q. You'd probably be put out the  
4 door?

5 A. Probably be fired is my feeling.

6 Q. You complained in 2003 about  
7 various things, correct?

8 A. Yes.

9 Q. You were a squeaky wheel in 2003,  
10 right?

11 A. Yes. Because directly affecting  
12 me.

13 Q. Okay. You weren't fired then,  
14 were you?

15 A. No.

16 Q. You were a squeaky wheel in 2004  
17 and you weren't fired then, right?

18 A. Correct.

19 Q. Okay. Go to 57. Did Hesse ever  
20 ridicule you when you made a complaint to  
21 him?

22 A. I was called a rat.

23 Q. By Hesse?

24 A. By other officers I --

25 Q. My question to you, sir, is did

1 E. Carter

2 Hesse ever ridicule you?

3 A. Yes.

4 Q. Okay. When did he ridicule you  
5 for the first time after you made a  
6 complaint?

7 A. It was -- the one time was with  
8 Jimmy Bets in 2005.

9 Q. That was the bicycle incident?

10 A. Yes.

11 Q. Or the minor?

12 A. That was the bicycle incident.

13 Q. Okay. How did he ridicule you?

14 A. He sent me to the back street,  
15 taking me off patrol on the Bay Walk and  
16 letting everybody know what happened.

17 Q. Well, let's -- you think putting  
18 you on the back street is ridiculing you?

19 A. It was punishment for stopping  
20 Jimmy Bets.

21 Q. Okay. Now when you said he put  
22 you on the back street, what does that mean?

23 A. To patrol midway, there was an  
24 area which basically he used partly for a  
25 punishment.

1 E. Carter

2 Q. Other officers get put on the  
3 back streets, to your knowledge?

4 A. There were a couple.

5 Q. Who?

6 A. Frank Fiorillo. Joe Nofi.

7 Q. Anybody else, to your knowledge?

8 A. No.

9 Q. How many times did he put you on  
10 the back street?

11 A. Two that I recall at this time.

12 Q. In -- since 2001?

13 A. Yes.

14 Q. Were the back streets supposed to  
15 be patrolled?

16 A. Yes.

17 Q. Was that an assignment that was  
18 given out to all of the officers at some  
19 point in time, other than for punishment?

20 A. No.

21 Q. Then who patrolled the back  
22 streets?

23 A. We would do it -- coming off Bay  
24 Walk, we would do it. But he specifically  
25 just sent me back there.

1 E. Carter

2 Q. No. I understand. You're  
3 claiming in this instance -- actually, in  
4 two instances that he punished you?

5 A. Yes.

6 Q. By putting you on the back  
7 street. I get that. I guess my question --  
8 my question to you is -- I think you  
9 answered it -- was the back streets were  
10 part of the normal duties and  
11 responsibilities of the police officers  
12 during at least your shifts, correct?

13 A. During the regular patrol, yes.

14 Q. Right. And it was the  
15 responsibility of some officer on a normal  
16 basis to patrol the back streets, right?

17 A. Yes.

18 Q. All right.

19 A. He was limiting you to just the  
20 back streets.

21 Q. I understand that. But just so  
22 I'm not confused, patrolling the back  
23 streets was something that was -- was  
24 something that was needed to be done as part  
25 of the overall responsibilities of the

1 E. Carter

2 police department during a particular shift,  
3 correct?

4 A. Yes.

5 Q. All right. Did anyone ever go  
6 get beaten up on the back streets, to your  
7 knowledge?

8 A. Assaults. You mean civilians?

9 Q. Yes.

10 A. Yes.

11 Q. How many times since 2001?

12 A. I couldn't even give you numbers.

13 Q. Any officer ever get assaulted on  
14 the back streets, to your knowledge, while  
15 you were on duty?

16 A. No.

17 Q. What were the back streets?

18 Without looking at a map of Ocean Beach,  
19 describe for me what the back streets are.

20 A. From midway south.

21 Q. How many blocks are we talking  
22 about?

23 A. It's approximately eight blocks  
24 and nine blocks.

25 Q. And were there lights on the back

1 E. Carter

2 streets?

3 A. No.

4 Q. Did you have a flashlight?

5 A. Yeah.

6 Q. Okay. Any other instance that  
7 you recall Hesse ridiculing you for making a  
8 complaint?

9 A. Just what you heard secondhand,  
10 not firsthand.

11 Q. Ridicule -- okay. So what did --  
12 what did you hear that Hesse said about you  
13 that you believe was ridicule after you made  
14 a complaint?

15 A. "Carter's bitching he's got to  
16 clean the station." You know, "too bad."  
17 "He's bitching. He's got to clean up after  
18 you guys."

19 Q. Okay. Anything else?

20 A. Not that I recall at this time.

21 Q. Did Hesse ever undermine your  
22 authority in front of a civilian?

23 A. Yes.

24 Q. When was the first time he did  
25 this?

1 E. Carter

2 A. Jimmy Bets.

3 Q. Okay. So that was -- that was  
4 2005?

5 A. Yes.

6 Q. And how did he undermine your  
7 authority?

8 A. He made me give him back his  
9 license and had him ride off with the  
10 bicycle.

11 Q. Was that the first time Hesse  
12 ever undermined your authority in front of a  
13 civilian?

14 A. That I recall, yes.

15 Q. Okay. 58, 59 and 60, do you have  
16 any personal knowledge of any of these  
17 allegations?

18 A. 60. Um, 60.

19 Q. What -- what about 60 do you have  
20 personal knowledge of?

21 A. I helped Frank Fiorillo and a  
22 dock master bring a file cabinet upstairs  
23 from the north cellar of the police station.

24 Q. From the what?

25 A. North cellar of the police



1 E. Carter

2 station, and secure it in the small bedroom  
3 to the left.

4 Q. Was this before or after  
5 Mr. Bosetti alleged threw the file cabinet  
6 into the Great South Bay?

7 A. Prior.

8 Q. Okay. Did you ever see -- did  
9 you witness Bosetti throw the file cabinet  
10 into the Great South Bay?

11 A. No.

12 Q. So your only knowledge about  
13 what's alleged in paragraph 60 is the fact  
14 that you helped bring the file cabinet up  
15 from the basement?

16 A. Well, from the police station.

17 Q. From the police station.

18 A. Prior to the incident which had  
19 the police tapes in it.

20 Q. Okay. How about 61 and 62, do  
21 you have any personal knowledge of anything  
22 that's been alleged in 61 and 62?

23 A. 61?

24 Q. Um-hum.

25 A. I was there 61.

1 E. Carter

2 Q. You were where in 61?

3 A. I saw Frank stand at the corner  
4 of Denhoff and Bay Walk and he told me he  
5 was ordered to be there.

6 Q. Okay. So you were told by  
7 Mr. Fiorillo what Mr. Hesse allegedly said  
8 to him?

9 A. Hesse stated to me prior to that  
10 that he was -- he was actually pissed off at  
11 Frank because he told him to wash the cars,  
12 the truck, and Frank told him no, he had  
13 done it the night before and there's other  
14 guys in the police department that -- again,  
15 this is coming from Hesse -- that he didn't  
16 think it was fair for him to keep having to  
17 do it.

18 Q. Did you complain to Hesse -- did  
19 you complain to Paridiso about anything in  
20 61 and 62?

21 A. Nothing -- had nothing really to  
22 do with me. No.

23 Q. So -- and it would be fair to say  
24 you didn't complain to anybody else about  
25 what took place in 61 and 62, correct?

1 E. Carter

2 A. Correct.

3 Q. Okay. Now you were not in the  
4 bar during the alleged Halloween incident,  
5 correct?

6 A. Correct.

7 Q. And you were not part of any  
8 investigation into the Halloween incident,  
9 correct?

10 A. Except what was put on the blog,  
11 correct. That I did official misconduct.  
12 Falsified paperwork.

13 Q. Putting aside what someone may  
14 have said on the blog, you were not involved  
15 in any of investigative aspect of the  
16 Halloween incident, were you?

17 A. No. I just had firsthand  
18 knowledge what George told me.

19 Q. Other than what George told you,  
20 George didn't ask you to investigate the  
21 incident, did he?

22 A. No.

23 Q. Paridiso didn't ask you to  
24 investigate?

25 A. No.

1 E. Carter

2 Q. No one asked you to investigate?

3 A. No.

4 Q. And you didn't witness it?

5 A. No.

6 Q. So any information you would have  
7 about the Halloween incident would not come  
8 from your own personal -- your own personal  
9 involvement, correct?

10 A. Except --

11 Q. Other than -- except other than  
12 what Hesse would have told you?

13 A. Correct.

14 Q. Okay. Let's go to paragraph 71.

15 A. (Reviewing).

16 Q. Well, actually, 75. I'm sorry.

17 A. I'm sorry, 75?

18 Q. Yes.

19 A. (Reviewing).

20 Q. When did Hesse advise you that he  
21 thought Snyder's report was a piece of shit?

22 MR. GOODSTADT: Just make sure  
23 you read it before you answer it,  
24 please.

25 Q. Just read it for one second and

1 E. Carter

2 then tell me. Are you done?

3 A. Yes, sir. After the incident  
4 occurred, I was relieving Hesse on Sunday  
5 and Mondays. The exact date I can't tell  
6 you. But he held a piece of paper similar  
7 to this and said, "Carter, see this? See  
8 this piece of shit? This is a piece of  
9 shit." He goes -- I looked at him. He  
10 says, "They're fucking cops." I said, "What  
11 are you talking about?" He goes, "They're  
12 fucking cops. My stomach's got knots in it.  
13 They're fucking cops. They should have took  
14 care of them and they're fucking cops." I  
15 was like, "George what are you talking  
16 about?" And it was a couple -- Tom Snyder's  
17 statement that George asked him to write.  
18 It was basically a 2042, that internal  
19 correspondence.

20 Q. About the Halloween incident?

21 A. Yes.

22 Q. Did you ever look at Snyder's  
23 statement prior to Hesse waving it in your  
24 face and making the statement that he did?

25 A. No.

1 E. Carter

2 Q. Did you ever look at Snyder's  
3 statement after Hesse waved it in your face  
4 and said what he said?

5 A. I might have seen it in  
6 discovery, but that would have been it.

7 Q. Right. When I say -- I mean  
8 before April 2, 2006?

9 A. No.

10 Q. Did you inquire with Hesse as to  
11 what he meant when he said that "this was a  
12 piece of shit"?

13 A. Yeah. I had said to him, you  
14 know, "What are you talking about?" He  
15 said, "This -- this is bullshit. You know,  
16 it's crap. I got knots in my stomach.  
17 They're fucking" -- he was really enraged.  
18 It was at the checkpoint, the lighthouse.  
19 And you know, I never -- I told him, I said,  
20 "I never read it." So he said, "This  
21 isn't -- this isn't what happened." I don't  
22 know.

23 Q. Did he tell you -- did you ask --  
24 did you say anything else to Hesse?

25 A. At that time, no. He was waiting

1 E. Carter

2 for Ann, the court clerk, to come in to  
3 drive her in.

4 Q. How about after this evening, did  
5 you say anything to Hesse about Snyder's  
6 report concerning the Halloween incident?

7 A. Snyder's report, no.

8 Q. Okay. Well, that was the report  
9 he was calling a piece of shit, right?

10 A. Yes.

11 Q. 94, page 22.

12 A. (Reviewing).

13 Q. Did Hesse make the statement  
14 concerning a kinder and gentler police  
15 department to you?

16 A. No.

17 Q. Were you in his presence when he  
18 made this statement?

19 A. I actually read this statement in  
20 a local newspaper. I believe the Fire  
21 Island News.

22 Q. So other than what you may have  
23 read, you have no personal knowledge as to  
24 Hesse's alleged statement set forth in  
25 paragraph 94, right?

1 E. Carter

2 A. Yes.

3 Q. Okay. Did you make any  
4 complaints -- well, withdrawn. 95. Did  
5 anyone at the meeting -- well, who, if  
6 anyone, at the meeting, at the April 2, 2006  
7 meeting advised you that Hesse said about  
8 you specifically that you were a rat?

9 A. My belief is he told everybody  
10 about by wearing a wire, I'm a rat.

11 Q. No. But who told you -- you  
12 weren't at that meeting?

13 A. No.

14 Q. So who told you, if anyone, that  
15 Hesse called you specifically a rat?

16 A. That I was going to wear the  
17 wire? That would have been through Chris  
18 Moran. Otherwise --

19 Q. Did Chris Moran ever advise you  
20 that Hesse said, in Moran's presence, that  
21 you, Ed Carter, was a rat?

22 A. No. I was accused of being a  
23 civil service rat previously, but no.

24 Q. Who accused you of being a civil  
25 service rat?



1 E. Carter

2 A. Ty Bacon. Rich Bosetti. Gary  
3 Bosetti. Several of the uncertified  
4 officers.

5 Q. When did they first accuse you of  
6 being a civil service rat?

7 A. 2004.

8 Q. Okay. And how many times did  
9 they call you a rat, a civil service rat?

10 A. Oh, it continued up until we  
11 left. I was -- 2005 I actually wound up  
12 helping George Hesse trying to get the guys  
13 certified to end it to show that, you know,  
14 I wasn't. Got a copy of the applicant  
15 packet from Quogue Police Department from  
16 Police Officer Friun that I went to the  
17 academy with back in '91, because they were  
18 trying to take the background and the  
19 pre-polygraph questions from the Suffolk  
20 County Police, which was knocking several  
21 officers throughout Ocean Beach and all the  
22 other towns and villages out, and they were  
23 going to do their own background and  
24 pre-polygraph questions.

25 MO MR. NOVIKOFF: Motion to

1 E. Carter

2 strike.

3 Q. How many times were you accused  
4 by these uncertified officers of being a  
5 civil service rat?

6 A. Ty Bacon, at least three times.  
7 Rich and Gary Bosetti in my presence, two to  
8 three times. Bill Embreui, one time.

9 Q. All starting in 2004?

10 A. 2004 and going into 2005, yes.

11 Q. Right. And did George Hesse ever  
12 call you a civil service rat?

13 A. George Hesse said to me -- did he  
14 call it to my face? No.

15 Q. That's what I'm saying. Did  
16 George Hesse ever call you, to your face, a  
17 civil service rat?

18 A. No.

19 Q. Did anyone ever tell you, prior  
20 to April 2, 2006, that George Hesse called  
21 you a civil service rat?

22 A. No.

23 Q. Now when did George Hesse ask you  
24 to help out with getting uncertified  
25 officers to be certified?

1 E. Carter

2 MR. GOODSTADT: Objection.

3 MR. NOVIKOFF: Well, withdrawn.

4 Q. Did George Hesse ever ask you to  
5 assist him in trying to get uncertified  
6 officers to become certified?

7 A. No.

8 Q. What involvement, if any, did you  
9 have with George Hesse with regard to trying  
10 to get uncertified officers to become  
11 certified?

12 A. What happened was by me being  
13 called a civil service rat -- which I  
14 wasn't, I never contacted civil service -- I  
15 told George -- George was going through --  
16 he was trying to find pre-polygraph  
17 questions on the computer one day when I was  
18 working with him, and I said I had a friend  
19 who was the applicant investigator out at  
20 Quogue Police Department, and I called Mike  
21 and he faxed me that paperwork.

22 MR. NOVIKOFF: Okay. Just give  
23 me a couple minutes. Maybe we're --  
24 maybe I'm done with this aspect of it.

25 THE VIDEOGRAPHER: The time is

1 E. Carter

2 4:58 p.m. Going off the record.

3 (A break was taken.)

4 THE VIDEOGRAPHER: Time is 4:59  
5 p.m. Back on the record.

6 Q. Sir, I showed you a few emails  
7 today concerning communications by and  
8 between you and the other Plaintiffs in this  
9 action, do you recall that?

10 A. Yes.

11 Q. Since April 2, 2006, have you  
12 communicated with the Plaintiffs via email,  
13 other than what I've showed you today?

14 A. No, sir.

15 Q. So these would have been -- to  
16 your knowledge, these would have been the  
17 only emails that exist between you and the  
18 other Plaintiffs concerning the subject  
19 matter of this lawsuit?

20 A. Without going through my lawyer,  
21 yes.

22 Q. What do you mean without going  
23 through your lawyer?

24 A. I would have possibly emailed  
25 stuff to my lawyer.

1 E. Carter

2 Q. Yeah. I'm not interested in what  
3 you may have emailed your lawyer. I'm  
4 talking about specifically between you and  
5 any of the other Plaintiffs, without any  
6 copies to your lawyers.

7 A. Yes.

8 Q. Have you emailed them concerning  
9 the subject of this lawsuit after April 2,  
10 2006, other than what I showed you?

11 A. Not to my knowledge, no.

12 Q. And do you have any documents in  
13 your possession, custody or control that  
14 would refresh your recollection?

15 A. No.

16 Q. Do you maintain the same computer  
17 today as you did on April 2, 2006?

18 A. Yes.

19 MR. NOVIKOFF: I have nothing  
20 further.

21 EXAMINATION BY

22 MS. ZWILLING:

23 MS. ZWILLING: Good afternoon.

24 As I mentioned earlier, I represent the  
25 Suffolk County Defendants. My name is

1 E. Carter

2 Arlene Zwilling. I have just a few  
3 questions for you and I promise we'll  
4 get you out of here as soon as  
5 possible.

6 Q. You made some references to  
7 checkpoints. Can you explain what those  
8 checkpoints are?

9 A. It's the lighthouse, Fire Island  
10 lighthouse on Ocean Beach. Actually, it's  
11 actually in Kismet on -- when you first come  
12 off Robert Moses field five off the paved  
13 part of the roadway, there's a lighthouse  
14 there.

15 Q. Would that be the area where  
16 people park their cars to get access to the  
17 rest of the Island?

18 A. Only police officers, members of  
19 Fire Island FINS. I don't know if the  
20 Suffolk County Police use that as a  
21 checkpoint either. And it's controlled by a  
22 gate.

23 Q. Did you attend the Suffolk County  
24 police academy?

25 A. Yes.

1 E. Carter

2 Q. When?

3 A. January 1991 to June 1991.

4 Q. And was your class composed only  
5 of Ocean Beach police officers or were there  
6 recruits of other departments in the class  
7 as well?

8 A. Recruits of other departments in  
9 the class.

10 Q. How many recruits were in the  
11 class?

12 A. Approximately, we started out  
13 with 52 to 57. We graduated approximately  
14 30 to 31.

15 Q. Now you mentioned that you may  
16 have seen a picture of Alison Sanchez.  
17 Where is it you believe you saw her photo?

18 A. In a local paper, like the Fire  
19 Island -- not the Fire Island -- excuse me.  
20 The Suffolk County News.

21 Q. Do you know which Suffolk County  
22 local newspaper it was?

23 A. The -- that's what I believe it's  
24 called. The one they send you -- they used  
25 to send you for free. They stopped sending

1 E. Carter

2 you.

3 Q. Would it be Suffolk Life?

4 A. Suffolk Life. I'm sorry.

5 Q. And was her photo in the Suffolk  
6 Life in conjunction with some sort of  
7 article?

8 A. There was a photo of her and her  
9 partner.

10 Q. And what was her partner's name?

11 A. I don't recall.

12 Q. Do you recall the gender of her  
13 partner?

14 A. It was a female.

15 Q. Do you know if Alison Sanchez is  
16 presently married?

17 A. No, I don't. According to that  
18 article -- I don't know. No. At this time,  
19 no.

20 Q. What prosecutor from the Suffolk  
21 County District Attorney's office did you  
22 have contact with?

23 A. The prosecutors?

24 Q. Yes.

25 A. The -- Ray Tierney and



1 E. Carter

2 Biancavilla I believe his name.

3 Biancavilla. I don't know if that's the  
4 correct name. The prosecutor that's  
5 handling the case now with Ocean Beach.

6 Q. Have you ever been to the Suffolk  
7 County Civil Service Department on any  
8 occasion?

9 A. Yes.

10 Q. On how many occasions have you  
11 been there?

12 A. Approximately three.

13 Q. And can you tell me when those  
14 occasions were?

15 A. One I know of was in 2005 when I  
16 was inquiring about the park ranger three  
17 test. When it was last given and if there  
18 was a list. The other time was to file for  
19 the park ranger one test.

20 Q. When was that?

21 A. Approximately -- the year would  
22 have been -- I was appointed in 1989.  
23 Approximately '87 maybe. '88. And the  
24 third time would have been to just pick up  
25 the brochure. I walked in and walked out

1 E. Carter

2 back in the mid '90s.

3 Q. Did you ever discuss --

4 A. I'm sorry. Also, I took my oral  
5 psychologicals there.

6 Q. When was that?

7 A. For the park ranger, it would  
8 have been approximately 19 -- I was  
9 appointed in 1989.

10 Q. At any time, have you ever  
11 discussed any matters concerning the Ocean  
12 Beach Police Department with anyone from the  
13 Suffolk County Civil Service Department,  
14 either in person or over the phone?

15 A. No.

16 Q. Have you ever exchanged  
17 correspondence, either hardcopy or email,  
18 with anyone from the Suffolk County Civil  
19 Service Department in connection with Ocean  
20 Beach Police Department matters?

21 A. No.

22 Q. Have you ever had a conversation  
23 with Alison Sanchez, either in person or  
24 over the telephone?

25 A. Not that I'm aware of.

1 E. Carter

2 Q. Have you ever exchanged any  
3 correspondence, either hardcopy or email,  
4 with Alison Sanchez about any matter?

5 A. No.

6 Q. To the best of your knowledge,  
7 have you ever observed George Hesse in the  
8 presence of Alison Sanchez?

9 A. Observed him, no.

10 Q. Did George Hesse ever tell you  
11 that he had any type of sexual encounter or  
12 relationship with Alison Sanchez?

13 A. He told several officers one  
14 night in the station, in the summer of 2005  
15 when he was taking care of the civil service  
16 uncertifieds, he had said that he had taken  
17 her out to lunch a couple times, and I  
18 believe her name was Alison Chester.

19 Q. Were you present when he made  
20 these statements?

21 A. Yes.

22 Q. What exactly did he say at the  
23 time?

24 A. He said, "You guys got nothing to  
25 worry about," talking to the officers that

1 E. Carter

2 were in the room. That "I have a friend at  
3 civil service. I've taken out -- I took her  
4 out to lunch the other day. We got  
5 everything squared away, and you guys have  
6 no problem. We're going to be taking over  
7 the applicant investigations," and Arnold  
8 Hardman looked at George and he said,  
9 "George, you're banging her, aren't ya," and  
10 George looked at him and laughed. And he  
11 said, "Yeah. I'd like to get her partner,  
12 too." And with that, you know, I just  
13 looked at George like "you're -- you're  
14 fucked up," and I walked out of the room.

15 Q. Is that what you said to him at  
16 the time?

17 A. I mumbled it to myself as I  
18 walked out of the room.

19 Q. And did George Hesse ever state  
20 in your presence at any other time that he  
21 had sexual relations with Alison Sanchez?

22 A. No.

23 Q. Did anyone else ever state to you  
24 that George Hesse had had sexual relations  
25 with Alison Sanchez?

1 E. Carter

2 A. No.

3 MS. ZWILLING: No further  
4 questions.

5 MR. GOODSTADT: This is George  
6 Hesse's lawyer.

7 EXAMINATION BY

8 MR. CONNOLLY:

9 Q. Mr. Carter, how would town  
10 employees or police officers with Ocean  
11 Beach access the Island?

12 A. There was two ways; either by  
13 boat, the ferry or we would go across the  
14 Robert Moses Causeway.

15 Q. And at that point, you would park  
16 your vehicle at the Fire Island Lighthouse,  
17 the checkpoint?

18 A. Yes.

19 Q. And how would you get from the  
20 checkpoint to the village?

21 A. In -- normally, if the --  
22 hopefully the truck was up and running, you  
23 went by truck or water taxi, or you -- a  
24 couple guys a few times had to drive their  
25 own vehicles in.

1 E. Carter

2 Q. And, similarly, how would you get  
3 from the village back to the checkpoint?

4 A. The same way.

5 Q. Did any officers ever pick you up  
6 at the checkpoint?

7 A. To drive me into work, yes.

8 Q. Okay. And did any officer ever  
9 take you from the village to the checkpoint?

10 A. Yes.

11 Q. And were those officers on duty  
12 when they did that?

13 A. Yes. As far as I know, yes.

14 Q. Back when you took the  
15 examination for park ranger three, did any  
16 other Town of Islip employees take the test?

17 A. Yes.

18 Q. And to your knowledge, what was  
19 the passing grade?

20 MR. GOODSTADT: Objection.

21 A. I don't know. I couldn't answer  
22 that.

23 Q. Did you ever learn of the scores  
24 of any of the other individuals from the  
25 Town of Islip as to that exam?

1 E. Carter

2 A. The actual score, no. I know one  
3 other person failed it.

4 Q. And how many people took it?

5 A. There was only two able to take  
6 it in Islip and two in Smithtown.

7 Q. Have you ever spoken to any  
8 attorneys or investigators, other than your  
9 attorneys in this case or the Suffolk County  
10 DA attorneys, regarding either the Gilbert  
11 incident or any of the allegations contained  
12 in your complaint?

13 MR. GOODSTADT: Objection. To  
14 the extent that you were seeking legal  
15 advice from any attorneys, that should  
16 be included in the group of attorneys  
17 that you're not to testify to.

18 MR. NOVIKOFF: I think he can  
19 answer if he's ever spoken to them as  
20 opposed to what he said to them.

21 MR. CONNOLLY: My question  
22 doesn't mean anybody in connection with  
23 this case.

24 MR. GOODSTADT: Or any of his  
25 lawyers in connection with anything, or

1 E. Carter

2 any lawyer that he's gone to seek legal  
3 advice from is privileged. It doesn't  
4 matter if it's not in connection with  
5 this lawsuit.

6 MR. CONNOLLY: Fine. I'm not  
7 asking what he spoke to -- I'm not  
8 concerned about any advice you may have  
9 been seeking.

10 Q. I'm concerned has anyone ever  
11 approached you and asked you questions  
12 regarding those incidents or those claims?

13 MR. GOODSTADT: Objection.  
14 Same instruction.

15 MR. NOVIKOFF: I oppose that  
16 objection. I think if the question is  
17 has any attorney approached you to  
18 discuss with you X, Y and Z, that's a  
19 legitimate question. If the question  
20 is what did these attorneys say to you  
21 in this conversation, then I think that  
22 is certainly protected.

23 MR. GOODSTADT: Well, I would  
24 disagree. If you were to ask has any  
25 attorney that you've never sought legal



1 E. Carter

2 advice from or represented you, I agree  
3 with that. But --

4 MR. NOVIKOFF: Okay.

5 MR. GOODSTADT: But just so you  
6 know for the record, any topic that  
7 he's ever spoken with a lawyer,  
8 regardless of telling the extent of  
9 what was discussed, that's still  
10 privileged. Yes, we discussed the  
11 Gilbert incident. That's privileged.

12 MR. NOVIKOFF: I think the  
13 question -- and tell me if I'm wrong,  
14 Kevin -- I think the question that's  
15 being posed is, for example, has  
16 Gilbert's attorney approached you to  
17 discuss anything involving the Gilbert  
18 case, and if the answer is yes, then  
19 certainly the next question would go  
20 into what did Gilbert's attorney say,  
21 because there's no attorney/client  
22 privilege there.

23 MR. GOODSTADT: That's assuming  
24 there's no attorney/client privilege.

25 MR. NOVIKOFF: That's assuming,

1 E. Carter

2 right.

3 Q. Has any attorneys approached you  
4 to question you or get information from you  
5 regarding the Gilbert matter?

6 MR. GOODSTADT: Again, same  
7 instruction.

8 A. Can I answer?

9 MR. GOODSTADT: To the extent  
10 that it's not a lawyer that you have  
11 sought legal advice from or who has  
12 represented you in any matter, then the  
13 answer is you can answer.

14 A. No.

15 MR. CONNOLLY: I have no  
16 further questions. Thank you.

17 MR. GOODSTADT: I don't have  
18 any questions.

19 (Continued on next page for  
20 jurat.)

21

22

23

24

25

1 E. Carter

2 THE VIDEOGRAPHER: This  
3 completes today's deposition for Edward  
4 Carter on September 16, 2008. The time  
5 is 5:12 p.m. and we are off the record.

6

7

8 THOMAS SNYDER

9

10 Subscribed and sworn to  
11 before me this \_\_\_\_\_ day  
12 of \_\_\_\_\_ 2008.

13

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15 NOTARY PUBLIC

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INDEX TO EXHIBITS

CARTER	PAGE
1 Notice of Claim.	22
2 Document Bates stamped 9270.	99
3 Internal correspondence dated	
December 6, 2005.	120
4 Internal correspondence dated	
January 23, 2006.	124
5 Email dated 5/15/06.	162
6 Suffolk County Civil Service	
Eligible List.	181
7 Letter to Mr. Carter dated September	
8, 2006.	200
8 Email dated 3/23/07.	265
9 Email dated 3/30/2007.	267
10 Document Bates stamped 000284	
through 000383.	268

INDEX TO INSERTS PAGE

The date Mr. Carter retained	
Mr. Goodstadt's law firm to	
represent him.	105

1		
2		
3	I N D E X	PAGE
4	RQ(s)	
5	Production of Mr. Carter's driver's	
6	license.	101
7	Production of copies of all pictures in	
8	Mr. Carter's custody, possession or	
9	control that would show what his	
10	hair looked like prior to 2005,	
11	going back to when he was 21.	101
12		
13	DI (Pages) 25, 71, 249	
14		
15	RL (Pages) 24	
16		
17	MO (Pages) 12, 45, 113, 132, 137, 213, 225,	
18	227, 230, 263, 326, 362	
19		
20	EXAMINATION BY	
21	MR. NOVIKOFF:	6
22	MS. ZWILLING:	366
23	MR. CONNOLLY:	374
24		
25		

1  
2  
3  
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CERTIFICATION

I, Edward Leto, a Notary Public  
in and for the State of New York, do hereby  
certify:

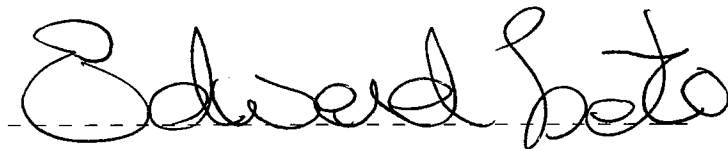
THAT the witness(es) whose  
testimony is herein before set forth, was  
duly sworn by me; and

THAT the within transcript is a  
true and accurate record of the testimony  
given by said witness(es).

I further certify that I am not  
related either by blood or marriage, to any  
of the parties to this action; and

THAT I am in no way interested in  
the outcome of this matter.

IN WITNESS WHEREOF, I have  
hereunto set my hand this 28th day of  
September, 2008.

A handwritten signature in cursive script that reads "Edward Leto". The signature is written in black ink and is positioned above a horizontal dashed line.

EDWARD LETO

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ERRATA SHEET.

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PAGE LINE

_____	_____	CHANGE: _____
_____	_____	REASON: _____
_____	_____	CHANGE: _____
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_____	_____	CHANGE: _____
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**0**

000284 268:20, 24  
000383 268:25  
05 122:12; 195:3, 6;  
254:25; 343:15  
06 145:16; 195:3; 254:25;  
262:13; 278:25; 288:2  
06-5603-30 181:25  
07 217:14; 296:23  
07-civ-1215(SJF)(ETB  
4:10  
08 217:15, 15

**1**

10 151:6, 8; 282:7  
100 89:11; 133:2, 4;  
207:5; 242:4; 266:9, 13;  
267:24; 326:11  
109 206:22, 23; 228:15,  
18; 229:5; 236:6; 251:5  
10:00 5:13  
10:45 65:24  
10:55 66:4  
110 256:15; 257:6  
110's 257:7  
113 257:13; 259:4  
114 261:17  
11706 6:3  
11:30 319:23  
11:54 133:24  
12 126:17; 127:12; 197:3,  
5, 15, 23; 245:14; 264:13;  
265:13; 328:24; 330:12;  
331:10; 333:9; 334:2, 24;  
340:24; 344:15  
12:00 52:5, 53:25; 54:8;  
66:20; 119:5, 10; 306:7, 7;  
319:23  
12:00s 305:23  
12:09 134:4  
12:29 158:12  
12:30 158:9  
13 281:14; 302:21; 304:12  
14 126:24; 127:12; 281:14  
15 122:22; 123:3, 21;  
151:8; 161:8; 163:22;  
171:19; 172:8; 173:2;  
223:2; 230:21, 25; 232:18,  
22; 233:6; 234:9, 21;  
235:14; 239:6; 282:8  
16 4:10; 115:11, 13, 17;  
232:11  
19 309:10; 371:8  
1989 370:22; 371:9  
1991 27:4, 9; 28:18, 25;  
30:18, 23; 68:13; 238:9;  
281:12; 303:12, 13, 15, 16;  
304:6; 368:3, 3  
1992 68:16; 303:19, 21  
1993 68:17; 304:9

1998 251:15  
1:15 158:10  
1:24 158:15

**2**

2 16:13; 18:20; 19:16;  
20:9, 19; 21:8; 22:7; 79:16;  
84:9, 20, 21; 85:4; 86:21;  
87:25; 88:25; 94:3, 16;  
96:18; 103:18; 107:21;  
108:22, 23; 111:13; 112:5,  
14, 19; 113:8, 20; 114:2;  
136:6, 16; 137:23; 152:10,  
16, 25; 154:19; 155:8;  
156:6, 13, 20; 157:13, 18,  
21; 158:6, 19, 22; 159:23;  
160:4, 9, 12; 195:12, 22;  
219:25; 232:13; 234:5;  
235:13; 240:17, 22; 244:8,  
14; 251:9, 17; 252:22;  
253:14; 254:21; 255:10;  
256:4, 13; 257:21; 258:2,  
6, 11; 259:13, 19; 261:21;  
272:3, 4, 6, 9; 273:14;  
274:23; 288:5; 297:7, 15;  
312:5, 10; 359:8; 361:6;  
363:20; 365:11; 366:9, 17  
20 114:21; 115:15, 16, 16,  
24, 25; 119:6; 174:23;  
318:20  
2000 45:19; 79:20; 328:5  
2001 31:8, 9, 12; 67:25;  
114:6; 117:23; 304:10, 10;  
305:4; 307:13, 17; 312:5,  
9; 349:12; 351:11  
2002 67:23, 24; 307:19;  
308:8, 18  
2003 35:20; 36:2, 10, 15,  
20, 21, 23; 37:13; 39:2, 8;  
40:14, 21; 41:6; 42:3;  
43:14, 22; 44:8; 64:10, 17;  
67:21, 22; 314:11; 316:2,  
7; 317:3, 4, 14, 18; 324:5;  
328:13; 329:12, 23; 332:2,  
13; 334:15; 338:8; 347:6, 9  
2004 36:13; 44:19; 45:6,  
10, 11, 19, 21; 47:5; 48:7;  
49:13, 17; 50:22; 64:10,  
18; 67:19, 20; 317:21, 23;  
318:12, 13; 319:25;  
320:16, 22, 23; 321:8, 12,  
24; 322:7, 25; 323:4, 22;  
324:5; 329:6, 12, 23;  
332:10, 11, 12, 16; 333:15;  
334:9; 338:6; 347:16;  
362:7; 363:9, 10  
2005 51:4, 13; 63:2, 4, 5,  
15, 24; 64:10, 21; 65:2;  
67:11; 68:6, 24; 69:3, 16;  
77:21; 99:18, 20; 100:6,  
21; 101:2, 23; 102:6;  
120:3, 8, 20; 121:11, 24;  
123:2, 14, 16; 148:2;  
151:5; 157:5; 280:6;  
295:23, 25; 323:6, 8, 23,  
25; 324:22; 325:3; 326:18,  
22; 327:25; 328:10, 12;  
329:9, 12; 330:20; 332:11,

19, 22; 336:21, 21; 337:18,  
20, 21; 338:11, 12, 14;  
339:3; 340:5; 341:11;  
344:20; 348:8; 353:4;  
362:11; 363:10; 370:15;  
372:14  
2006 13:19, 24; 14:4, 12,  
16, 18; 15:13; 19:16; 20:9,  
20; 21:13, 23; 22:7; 23:24;  
62:17, 20, 22; 63:4; 69:22;  
79:2, 5, 7, 16, 16, 21; 84:9,  
20; 86:20, 21; 87:25; 88:9,  
25; 96:25; 97:20; 103:18,  
21, 25; 104:4, 7; 105:16;  
108:23; 112:14, 19; 113:8,  
21; 114:2; 122:22; 123:3;  
124:16, 22; 126:17;  
127:13, 22; 129:24, 25;  
130:12, 17; 131:2, 6, 19;  
132:10, 21; 136:6, 16;  
137:24; 139:24; 149:2;  
152:10, 17, 25; 154:20;  
155:8; 156:6, 13, 20;  
157:13, 18, 21; 158:6, 19,  
22; 159:23; 160:4, 9, 12;  
162:16; 163:22; 171:19;  
172:8; 173:2, 19; 185:12;  
186:3; 194:6; 195:12, 22;  
200:17, 21; 201:21;  
203:16; 204:12; 215:15,  
16; 216:21; 217:8; 218:25;  
219:25, 25; 231:15;  
232:11; 233:7; 234:5, 17,  
21; 237:22; 240:10, 11, 20,  
22; 244:8; 251:9, 17;  
252:22; 253:14; 254:21;  
255:10; 256:4, 13; 257:21;  
258:2, 6, 11; 259:13, 19;  
261:21; 272:3, 4, 6, 9;  
273:14; 274:23; 279:19;  
297:7, 15; 312:5, 10;  
328:5; 359:8; 361:6;  
363:20; 365:11; 366:10,  
17  
2007 12:18; 13:16; 79:23;  
81:15; 162:14; 186:17, 18,  
19; 189:20; 190:15;  
191:12; 192:5; 193:6, 24;  
194:8; 234:21; 244:23;  
267:20; 293:22, 22  
2008 4:11; 12:15; 97:2;  
189:23  
2014 124:2  
2042 117:2, 6, 24; 124:3,  
4; 150:4; 358:18  
21 79:22; 81:15; 102:7;  
244:23  
22 360:11  
23 124:16, 22; 127:22  
24 218:12  
25 206:22  
26 312:24  
27 162:13, 16  
28 286:20  
284 269:7, 12, 21, 25  
287 269:16, 20, 25  
28th 277:14  
291 270:3, 5

2:00 119:10; 294:18  
2:01 202:11  
2:11 202:14  
2:30 294:18  
2:59 258:22; 259:2  
2nd 235:14

**3**

3/23/07 265:24  
3/30/2007 267:3  
30 23:23; 79:16, 21;  
96:25; 97:20; 104:4, 7;  
240:11, 20; 267:20;  
318:21; 368:14  
31 368:14  
36 313:17, 17; 314:3, 24  
382 268:20  
383 268:20  
3:00 54:17; 57:5; 66:20  
3:09 268:11  
3:22 268:15  
3:30 52:16; 54:17

**4**

4 326:14  
40 28:11; 30:9; 114:18;  
115:16, 19; 116:14  
41 331:18  
416 269:25  
42 98:9, 18, 19, 21; 117:2  
43 98:6, 11  
4:00 52:16; 54:11; 56:11;  
119:5, 9, 11; 305:22;  
306:7, 9  
4:19 335:12  
4:30 335:16  
4:58 365:2  
4:59 365:4  
4th 325:13

**5**

5/15/06 162:19  
50 57:9  
51 335:19; 341:6  
52 368:13  
54 345:4, 5, 10  
55 6:2  
57 347:19; 368:13  
58 353:15  
59 353:15  
5:00 119:12; 315:6

**6**

6 120:3, 7, 20; 121:7, 24;  
123:2; 129:23, 24, 25;  
130:12, 17, 25; 131:6, 19;  
132:10, 21; 203:16;

204:12; 288:6  
60 353:15, 18, 18, 19;  
354:13  
61 354:20, 22, 23, 25;  
355:2, 20, 25  
62 354:20, 22; 355:20, 25  
6:00 119:10

**7**

71 357:14  
75 182:4; 357:16, 17

**8**

8 184:6, 7, 9; 200:17, 21;  
201:20  
87 370:23  
88 370:23  
8:00 52:5; 53:25; 89:17,  
18; 119:11, 13

**9**

9 126:17  
9/16/08 22:14; 99:9;  
120:5; 124:18; 162:21;  
181:18; 200:19; 266:2;  
267:5; 269:3  
90s 371:2  
91 68:22; 238:9; 281:12;  
304:7; 362:17  
92 281:12, 12; 304:7  
9270 99:4, 7  
93 68:22; 303:22; 304:7  
94 360:11, 25  
95 361:4  
9:00 119:5, 12  
9:30 5:11  
9:52 4:11

**A**

a.m 4:11; 65:25; 66:5;  
133:25  
abandon 84:7  
abandoned 84:5;  
238:13, 19, 21; 331:21  
abandoning 239:16  
ability 88:24; 229:23;  
230:3, 6; 236:7  
abject 302:9  
able 241:2; 253:6; 254:3;  
376:5  
above 188:5  
Absolutely 148:23;  
200:5; 301:13, 18, 22  
academy 31:14; 362:17;  
367:24  
accepted 242:23; 243:16  
access 196:4; 367:16;



374:11  
**according** 126:13;  
 138:16; 164:7; 168:9;  
 186:2; 195:5; 220:24;  
 231:20; 232:9, 17; 234:5;  
 245:10; 271:21; 369:17  
**account** 310:9  
**accuracy** 24:16; 205:20  
**Accurate** 206:25; 207:5  
**accusation** 249:19  
**accuse** 362:5  
**accused** 361:22, 24;  
 363:3  
**accusing** 249:4, 17  
**across** 294:25; 295:9;  
 374:13  
**action** 90:16; 313:5;  
 365:9  
**actions** 76:14; 77:2;  
 309:12, 14; 310:6, 19  
**acts** 89:25  
**actual** 376:2  
**actually** 75:20; 106:21;  
 125:2; 131:6; 169:3;  
 174:15; 178:13; 285:15;  
 298:16; 325:4; 350:3;  
 355:10; 357:16; 360:19;  
 362:11; 367:10, 11  
**ADA** 225:12  
**added** 139:3; 293:23  
**addition** 247:6  
**address** 5:25; 13:4  
**admit** 138:4; 157:4; 276:6  
**adverse** 90:16  
**adversely** 246:15  
**advice** 103:12; 376:15;  
 377:3, 8; 378:2; 379:11  
**advise** 8:4; 20:17; 22:17;  
 25:2; 35:8; 48:9; 86:24;  
 105:21; 119:20; 123:7;  
 127:14; 146:16; 152:9;  
 159:17, 20, 24; 179:10, 12;  
 193:14, 15; 194:14;  
 211:10; 213:12; 219:8;  
 239:15; 244:11; 277:25;  
 278:4; 280:21; 281:17;  
 291:12, 20; 292:2; 297:4;  
 299:8; 340:22; 344:4, 7;  
 345:5; 346:16; 357:20;  
 361:19  
**advised** 14:20; 131:16;  
 132:6; 142:6; 162:10;  
 177:22; 191:16; 195:13,  
 19; 207:24; 223:12;  
 278:10, 13; 298:21;  
 299:13; 313:17; 361:7  
**advisement** 102:10  
**advising** 124:5; 126:14;  
 220:7; 240:14  
**affair** 291:5  
**affairs** 288:24; 291:14  
**affect** 319:7  
**affected** 92:9; 319:6  
**affecting** 347:11  
**affirmatively** 194:10

**afraid** 58:21; 59:8  
**afternoon** 366:23  
**Afterwards** 144:16, 16;  
 208:21; 219:23  
**Again** 7:23; 19:2; 39:7;  
 40:5; 41:4; 42:24; 53:3;  
 61:11; 65:4; 85:14; 97:19;  
 136:19; 142:14; 147:6;  
 150:23; 151:18; 192:13;  
 194:17; 198:19; 208:20;  
 215:22; 216:25; 217:2;  
 218:5; 240:25; 266:13;  
 267:24; 279:15; 287:9;  
 291:18; 292:14; 293:23;  
 296:22; 299:20; 321:18;  
 25; 322:11, 16; 355:14;  
 379:6  
**against** 56:24; 58:17;  
 59:14; 90:17; 198:2, 14;  
 206:13; 246:7; 301:16  
**age** 98:18, 21; 342:14  
**agencies** 92:20; 247:9  
**ago** 85:7, 12; 111:24;  
 189:14, 15; 191:6  
**agree** 29:5; 41:8; 42:6;  
 24; 64:12; 72:12; 95:8;  
 100:20; 102:15, 22;  
 197:20; 198:9; 216:9;  
 221:17; 223:16; 244:4;  
 256:22; 269:19; 378:2  
**agreement** 104:15  
**ahead** 73:25; 232:25  
**airport** 141:15, 21;  
 171:21; 172:2, 4, 7, 21  
**al** 4:5, 7; 82:18  
**Alan** 74:15; 81:19, 20, 22;  
 82:7, 10, 12; 83:20;  
 200:22; 292:8  
**Albanese** 55:11  
**Albert** 4:12  
**alcohol** 39:18; 59:21;  
 66:18, 22; 68:11; 302:12;  
 345:16  
**Alison** 309:18, 21, 23;  
 368:16; 369:15; 371:23;  
 372:4, 8, 12, 18; 373:21,  
 25  
**allegation** 261:7, 10;  
 306:3, 6, 13; 314:3; 345:9  
**allegations** 11:5; 97:15;  
 163:18; 257:15; 271:22;  
 277:17, 23; 353:17;  
 376:11  
**allege** 33:19; 95:17;  
 207:8; 236:6; 307:2;  
 312:24  
**alleged** 130:18; 131:14,  
 18; 132:9, 21; 133:10;  
 134:7; 135:3; 137:5;  
 140:2, 7; 158:24; 195:21;  
 203:14, 24; 257:13;  
 271:11; 273:9; 276:24;  
 278:5, 14, 15; 301:25;  
 304:12; 313:17; 354:5, 13,  
 22; 356:4; 360:24  
**allegedly** 132:24;  
 296:21; 297:7, 14; 355:7

**alleging** 32:23  
**allowed** 269:4; 298:25  
**almost** 268:7  
**along** 36:4; 139:12  
**always** 29:20; 318:9  
**Amato** 275:11; 280:9  
**among** 118:11; 256:18;  
 257:7  
**amount** 96:11  
**analyst** 312:21, 23  
**and/or** 70:16; 199:10  
**Andrew** 4:19  
**Andy** 337:12  
**anguish** 78:12; 95:18;  
 112:20  
**Ann** 360:2  
**Anna** 182:19  
**annoyed** 112:23  
**anonymous** 133:6  
**answered** 18:8; 64:14;  
 146:24; 178:16; 204:25;  
 205:3; 233:15; 248:22;  
 291:17; 322:2; 350:9  
**anymore** 166:11  
**apartment** 341:16, 23;  
 343:20; 344:23; 345:11  
**apologize** 63:5; 304:9, 10  
**apparently** 155:17;  
 157:22, 25; 279:4, 5; 294:8  
**appears** 98:14; 120:6;  
 204:11; 267:18; 269:20  
**applicable** 309:16  
**applicant** 93:19; 362:14;  
 364:19; 373:7  
**application** 15:11; 173:8;  
 233:2; 237:10, 12, 16;  
 238:21  
**applied** 14:16; 172:6;  
 181:6; 233:9  
**apply** 15:16, 19; 229:23;  
 230:3, 7; 234:20; 235:5;  
 236:7, 8  
**applying** 234:20; 236:22  
**appointed** 370:22; 371:9  
**appointment** 150:16  
**approach** 210:14  
**approached** 136:25;  
 280:8; 377:11, 17; 378:16;  
 379:3  
**appropriate** 13:13; 71:23  
**approve** 309:4, 7  
**approved** 308:2, 5  
**approximately** 4:11;  
 5:13; 36:19; 45:8; 52:3, 16;  
 54:17; 57:9; 78:25; 84:25;  
 85:7; 96:11; 106:17;  
 116:14; 123:12; 151:6;  
 163:23; 174:23; 189:14;  
 193:11; 215:8, 14; 217:7;  
 251:15; 273:16; 277:6, 6;  
 281:16; 282:7; 283:9;  
 288:6, 15; 289:9, 9; 291:2;  
 318:3; 325:16, 17; 328:6,  
 11; 332:4; 338:13; 351:23;  
 368:12, 13; 370:12, 21, 23;

371:8  
**April** 16:13; 18:20; 19:16;  
 20:9, 19; 21:8; 22:7; 79:16;  
 84:9, 20, 21; 85:4; 86:20,  
 21; 87:25; 88:25; 94:3, 16;  
 96:18; 103:18; 107:21;  
 108:22, 22; 111:13; 112:5,  
 14, 19; 113:8, 20; 114:2,  
 25; 116:10; 117:19, 19, 20;  
 123:14, 16; 124:4; 126:17;  
 129:23, 24, 25; 130:12, 17,  
 25; 131:5, 19; 132:10, 21;  
 136:6, 16; 137:23; 147:15;  
 152:10, 16, 25; 154:19;  
 155:8; 156:6, 13, 20;  
 157:13, 17, 21; 158:6, 19,  
 22; 159:23; 160:4, 9, 12;  
 195:12, 22; 203:16;  
 204:12; 215:14; 216:21;  
 219:25, 25; 232:13; 234:5;  
 235:12; 237:22; 240:17;  
 22; 244:8, 14; 251:9, 17;  
 252:22; 253:14; 254:21;  
 255:10; 256:4, 13; 257:21,  
 25; 258:6, 11; 259:13, 19;  
 261:21; 272:3, 4, 6, 9;  
 273:14; 274:23; 278:25;  
 279:19; 288:2, 5, 6;  
 289:14, 15; 292:18;  
 296:23; 297:7, 15; 312:5,  
 10; 359:8; 361:6; 363:20;  
 365:11; 366:9, 17  
**area** 348:24; 367:15  
**Arlene** 5:3; 367:2  
**armed** 15:24, 25  
**Arnie** 74:16; 157:22;  
 166:22; 167:7, 10, 14;  
 168:2, 15; 297:11; 325:18;  
 326:6  
**Arnold** 16:23; 137:24;  
 138:17, 25; 157:11; 373:7  
**around** 31:7; 56:18;  
 74:12; 82:16; 151:4;  
 209:2; 218:11; 219:10, 10;  
 291:24; 294:18; 295:13;  
 315:9; 322:8; 342:9  
**arrested** 208:17; 214:25;  
 250:17  
**arrow** 182:24  
**article** 197:16; 264:8;  
 265:5; 369:7, 18  
**ascertained** 70:25;  
 96:22; 97:2, 18, 21  
**aside** 11:23; 66:19, 19;  
 132:20; 192:4; 356:13  
**asleep** 231:24  
**aspect** 103:17; 356:15;  
 364:24  
**assaulted** 351:13  
**Assaults** 351:8  
**assigned** 313:21; 315:7,  
 19, 22  
**assignment** 349:17  
**assist** 364:5  
**assistant** 91:13; 186:24  
**associated** 283:7;  
 284:17

**association** 4:16  
**assumed** 143:15  
**assuming** 378:23, 25  
**attachment** 268:3  
**attend** 196:14; 367:23  
**attended** 196:17  
**attention** 346:24, 25  
**Attorney** 5:5; 7:22; 9:8;  
 99:12; 137:25; 138:18;  
 139:2; 149:6; 150:6, 16;  
 157:12; 182:18; 206:17;  
 259:22; 261:10; 280:4;  
 283:23; 284:8; 299:2, 5, 9,  
 12; 377:17, 25; 378:16, 20  
**Attorney's** 16:15; 138:5;  
 148:5, 6, 11; 149:3, 23;  
 150:22; 151:10, 18; 152:5;  
 153:20; 155:15; 157:3;  
 196:23; 250:18; 284:8;  
 290:8; 369:21  
**attorney/client** 25:7;  
 378:21, 24  
**attorneys** 196:19;  
 205:12, 17; 376:8, 9, 10,  
 15, 16; 377:20; 379:3  
**attribute** 131:7, 8;  
 133:11; 152:23, 24  
**August** 77:20; 157:5;  
 184:6; 277:14; 286:20;  
 296:25; 321:16; 328:11  
**author** 130:18; 216:16,  
 22  
**authority** 33:11; 34:24;  
 72:5; 228:8, 11; 352:22;  
 353:7, 12  
**authorization** 203:8  
**authorize** 24:3; 205:11;  
 240:2  
**authorized** 203:13, 24;  
 204:5, 10, 22; 206:16;  
 261:9  
**authorizing** 24:24;  
 205:16  
**automatically** 91:19  
**availability** 118:3;  
 119:21; 124:6  
**available** 118:9; 123:8,  
 18  
**Avenue** 6:3  
**average** 28:12  
**aware** 7:9; 8:19; 19:6, 6,  
 8, 11, 12, 14; 22:25; 32:22;  
 97:5; 119:7; 122:15;  
 130:6; 140:25; 142:18;  
 144:9; 145:6; 157:20;  
 162:9; 178:21; 179:2;  
 199:22; 204:2, 3; 206:17;  
 209:12; 219:3; 253:4;  
 255:25; 257:11, 12; 271:2;  
 342:15; 371:25  
**away** 40:6; 46:18; 82:25;  
 161:6; 162:2; 164:25;  
 170:15; 194:23; 250:3;  
 262:22; 373:5  
**awkward** 255:18, 20, 22

# B

**Bachman** 33:17, 18  
**back** 30:2; 53:23; 59:16;  
 65:21; 66:5; 68:24; 94:2;  
 102:6; 123:14; 125:6;  
 128:20; 133:8, 21; 134:5;  
 137:5; 142:12; 147:15;  
 148:2; 158:15; 161:17;  
 167:23; 173:4; 178:13;  
 189:7; 194:5, 17; 195:2;  
 198:17; 202:8, 15, 22;  
 213:24; 217:16; 230:14,  
 16; 238:9, 25; 239:3, 19;  
 251:14; 259:2; 268:9, 16;  
 281:12; 284:2; 289:13;  
 292:14; 295:11; 311:15;  
 316:18; 322:15; 326:4;  
 327:11; 335:17; 337:15;  
 338:23, 24; 348:14, 18, 22;  
 349:3, 10, 14, 21, 25;  
 350:6, 9, 16, 20, 22; 351:6,  
 14, 17, 19, 25; 353:8;  
 362:17; 365:5; 371:2;  
 375:3, 14  
**background** 20:4;  
 230:10; 238:6, 12; 362:18,  
 23  
**backing** 168:15  
**Bacon** 26:15, 25; 28:14,  
 19, 24; 29:7; 31:22; 32:2,  
 12, 17, 25; 33:3, 5, 7;  
 35:14, 22, 23; 36:5, 7, 13,  
 16, 18; 37:12, 21; 38:3;  
 88:5, 6, 16, 18, 21; 129:16,  
 17, 21; 130:4, 13, 18;  
 131:8; 132:22, 24; 198:22;  
 199:10; 203:24; 204:4, 6,  
 10, 17, 22; 362:2; 363:6  
**Bacon's** 130:25; 131:13,  
 18; 132:9; 203:13  
**bad** 332:21; 352:16  
**balcony** 345:15, 23  
**banging** 373:9  
**banished** 327:12  
**Bar** 45:13; 46:4; 47:22;  
 48:2, 3; 51:17; 52:17;  
 55:24; 56:5, 9, 24; 57:2, 4;  
 59:17; 336:9, 10, 11;  
 338:3, 3; 344:21; 356:4  
**barracks** 14:5  
**Barry** 336:21; 339:7  
**bars** 49:9; 302:12; 315:5;  
 335:23; 336:6, 8, 15, 18;  
 337:7  
**bartender** 338:4; 344:21  
**bartenders** 336:9  
**based** 29:12, 14; 37:9;  
 59:6; 92:12, 14; 119:21;  
 131:2; 147:12; 173:13;  
 203:18; 210:4; 211:24;  
 215:17; 310:22; 314:3  
**baseless** 257:14; 260:7  
**basement** 354:15  
**Basically** 11:2; 39:5;  
 58:18; 85:15; 118:4;

119:22; 124:9; 130:9;  
 161:5; 163:16; 208:12;  
 218:15; 246:24; 286:24;  
 292:5; 294:10, 21; 297:17;  
 298:19; 314:19; 316:10;  
 348:24; 358:18  
**basing** 263:17  
**basis** 212:4; 310:12, 21;  
 311:7; 350:16  
**Bates** 99:7; 268:24  
**bathroom** 65:16, 20  
**Bay** 6:3; 68:18; 80:5;  
 81:9; 262:17; 295:2, 9;  
 337:10; 341:17; 348:15;  
 349:23; 354:6, 10; 355:4  
**Beach** 4:7; 14:21; 16:8,  
 17; 17:19; 21:3; 22:7;  
 26:23; 27:13; 29:7, 21;  
 30:8, 15, 18; 31:3, 6, 16,  
 17, 18; 46:8; 54:22; 55:24;  
 66:8, 23; 67:5, 13; 68:12;  
 69:16; 74:11; 76:11, 15;  
 77:2; 79:10, 17, 23; 81:17;  
 83:21; 84:10; 89:23;  
 93:19; 100:10; 108:21;  
 111:23; 113:22; 114:5;  
 116:17; 117:24; 118:25;  
 119:17, 19; 123:7; 124:25;  
 126:14, 22; 127:3, 19;  
 131:25; 136:4; 149:6;  
 150:17; 154:21; 159:14,  
 19; 160:2; 179:7; 195:9;  
 198:2, 14; 203:10; 206:14;  
 208:10; 209:6, 17, 24;  
 211:22; 218:16; 220:13;  
 224:9; 226:2, 3, 4, 8, 22,  
 23; 227:5, 15; 237:15, 17,  
 22; 238:8; 239:21; 240:3,  
 14; 241:4; 242:16; 245:10,  
 15, 23; 246:7; 247:7;  
 251:6, 11, 17; 252:15;  
 253:2, 5, 21; 254:4, 20;  
 261:20; 262:7, 21; 263:6,  
 9, 13, 18, 24; 269:10;  
 271:17; 275:23; 277:9, 10;  
 278:22; 280:5, 15; 284:5;  
 286:18; 290:16; 301:16;  
 305:17, 20; 306:16, 21;  
 307:15; 308:10; 309:13;  
 310:7, 7, 9, 11; 313:6, 13;  
 351:18; 362:21; 367:10;  
 368:5; 370:5; 371:12, 20;  
 374:11  
**beat** 16:16; 138:4; 157:4;  
 276:2  
**beaten** 351:6  
**beating** 273:23  
**become** 279:20; 364:6,  
 10  
**becomes** 58:17  
**becoming** 249:25  
**bedroom** 354:2  
**Beer** 38:16; 63:25;  
 331:19; 342:6, 7, 8  
**beers** 37:21; 52:6; 64:3;  
 332:8  
**beginning** 114:6; 235:9  
**begins** 66:3; 134:3;

202:13; 268:14; 335:15  
**behalf** 4:21, 23; 24:5;  
 205:13, 18; 271:4  
**behind** 71:14  
**belief** 29:11, 12; 43:17;  
 92:8, 8, 12, 14; 126:11;  
 135:21; 177:12; 203:17,  
 18; 207:9; 208:5, 6;  
 211:20, 24; 212:5; 215:17;  
 232:8; 250:5; 256:16;  
 257:22; 258:7; 260:10, 13;  
 272:5; 276:4; 280:22;  
 304:21; 361:9  
**belligerent** 327:20  
**benefits** 70:18; 90:9  
**besides** 280:23  
**best** 33:12; 46:12; 49:6, 8;  
 57:8; 115:5; 124:10;  
 125:23; 142:4; 177:3;  
 197:2, 6; 209:4, 4; 259:10;  
 270:17; 302:3; 372:6  
**Bets** 337:9, 12; 348:8, 20;  
 353:2  
**better** 6:21; 57:9; 235:23;  
 327:6  
**Biancavilla** 370:2, 3  
**bicycle** 337:10; 348:9,  
 12; 353:10  
**big** 147:19; 246:22; 325:5  
**biggest** 145:25; 246:23;  
 286:17  
**Bill** 294:6, 12, 15, 16;  
 295:9, 11, 17; 296:7, 8, 9,  
 12, 17; 298:24; 363:8  
**birth** 126:15  
**birthday** 149:13  
**bit** 103:3, 4; 113:10, 11  
**bitching** 352:15, 17  
**blank** 218:19  
**blew** 80:21  
**block** 86:19  
**blocks** 351:21, 23, 24  
**blog** 16:21; 76:18; 85:3,  
 6, 20; 86:7, 12, 14, 16, 19,  
 25; 87:11, 16, 20, 25; 88:7;  
 94:3, 23; 96:7, 16; 112:22;  
 129:23; 130:8, 15; 131:21;  
 132:23; 133:6, 7; 163:19;  
 166:21; 167:7; 168:14;  
 170:5; 203:16; 204:4, 12;  
 208:20, 25; 209:12; 210:4,  
 16, 21, 25; 211:7, 13, 18;  
 215:23; 216:12, 15, 20;  
 218:10; 219:3; 245:10;  
 356:10, 14  
**blogs** 88:10  
**blood** 19:2, 9  
**blotter** 30:3; 153:8, 23  
**blow** 325:5  
**blue** 61:3; 247:2, 7, 9, 15,  
 21; 248:4, 16; 249:6;  
 250:7, 12, 20, 24; 271:13  
**board** 146:8; 309:3  
**boat** 374:13  
**boathouse** 136:4, 15;  
 138:8

**Bob** 281:5  
**Bockelman** 26:14; 30:5,  
 23, 25; 31:9, 12; 33:23, 24;  
 34:3, 13, 21; 325:24  
**book** 30:3; 114:21  
**born** 165:8, 11; 166:5;  
 169:10, 12; 170:16, 17;  
 208:16; 213:21  
**Bos** 327:18  
**Bosetti** 46:5, 7; 307:20;  
 308:22; 325:20; 327:18;  
 328:8; 354:5, 9; 362:2, 3;  
 363:7  
**Bosettis** 46:20; 47:5;  
 49:11; 345:14, 22  
**boss** 146:5; 149:21;  
 159:8; 166:10; 180:20;  
 183:18; 185:3, 5, 22;  
 187:17  
**bosses** 210:5, 8, 11;  
 212:2; 290:7  
**both** 128:24; 129:4;  
 142:5; 160:17; 199:2, 5;  
 272:5; 319:22; 337:23  
**bottles** 342:7  
**bottom** 25:21, 21  
**boys** 113:16; 161:4, 25;  
 162:12; 208:15; 209:19  
**breach** 62:11  
**break** 65:19; 66:2; 73:20;  
 133:20; 134:2; 158:13;  
 202:7, 12; 268:8, 13;  
 272:23; 329:22; 335:14;  
 365:3  
**breaking** 127:4  
**Breeze** 341:17  
**brief** 202:6  
**bring** 192:15, 16; 196:5;  
 282:23; 289:11; 353:22;  
 354:14  
**bringing** 63:16; 241:3  
**brings** 85:3  
**brochure** 370:25  
**broke** 127:18  
**brother** 82:3; 83:5, 9, 11  
**Brothers** 82:2; 307:21;  
 308:22  
**brought** 20:23; 39:19;  
 49:23; 50:2; 165:14, 15,  
 21; 192:12; 235:25  
**budget** 231:9, 10  
**budgetary** 172:23;  
 175:24; 187:24; 231:4, 7,  
 14; 232:2, 23; 233:3, 6, 19;  
 235:15; 236:2  
**budgeting** 172:11  
**Budweiser** 342:6, 7  
**bullshit** 37:20; 38:14;  
 41:7; 42:22; 46:6; 57:17;  
 321:2, 2; 332:8; 359:15  
**bunch** 149:9  
**Bureau** 325:25; 326:3  
**Buried** 325:19, 22  
**business** 263:2; 278:17,  
 18

**businessman** 16:16;  
 138:4  
**buy** 95:22

# C

**cabinet** 353:22; 354:5, 9,  
 14  
**call** 14:3; 16:19; 21:12;  
 74:19; 80:14; 102:2;  
 105:20; 107:3; 140:16, 17;  
 141:22; 142:7, 10, 12;  
 150:14; 165:13, 19, 22;  
 167:9; 176:15; 178:15;  
 179:8; 194:17; 199:14;  
 208:7; 212:7, 10, 11, 24;  
 213:11; 214:2, 4; 235:8;  
 237:13; 252:15; 253:25;  
 255:2; 262:16; 283:10;  
 298:14; 299:23; 300:17;  
 318:19; 326:2; 362:9;  
 363:12, 14, 16  
**called** 19:18, 18; 105:11,  
 11; 106:22; 142:11;  
 143:11; 149:7, 20; 150:15,  
 17; 160:21; 161:14, 15, 16,  
 16; 163:4; 174:15; 176:9,  
 11; 214:6; 239:18; 273:25,  
 25; 274:6; 288:7; 300:9;  
 312:22; 326:10; 347:22;  
 361:15; 363:20; 364:13,  
 20; 368:24  
**calling** 163:9, 9; 166:10;  
 241:8; 339:15; 360:9  
**calls** 16:24; 32:7  
**came** 11:20; 14:17, 19;  
 16:2; 82:16; 149:5, 8;  
 151:15; 152:5; 155:12, 16;  
 180:17, 25; 181:2; 184:4;  
 241:6; 262:5; 274:4, 5;  
 293:21; 294:15, 17;  
 308:17; 311:15; 316:14;  
 337:13  
**can** 10:12; 18:11, 14, 15;  
 32:14; 34:6; 35:7, 8; 62:24;  
 63:7, 7, 22; 64:24; 71:15;  
 72:4; 74:2; 76:24; 77:7, 10,  
 11; 78:2; 92:2; 101:12, 15;  
 103:20; 113:4; 114:17;  
 115:11; 130:4; 132:18, 22;  
 133:8; 134:16; 155:10;  
 158:3; 180:19; 196:4;  
 198:17; 202:24; 204:14;  
 205:2, 6; 213:24; 214:15;  
 216:15; 221:21; 229:19;  
 230:13; 239:22; 255:3;  
 271:5; 283:21; 312:7;  
 323:19; 335:19; 367:7;  
 370:13; 376:18; 379:8, 13  
**canceled** 9:17; 10:17;  
 298:8, 11, 16  
**cans** 38:16; 63:25;  
 331:19  
**capacity** 171:22; 313:10  
**car** 143:4; 262:18  
**card** 342:10  
**carded** 342:22  
**cards** 85:15

care 48:8, 10, 13, 18, 22;  
49:6; 131:25; 153:7;  
301:6; 316:11; 317:18;  
339:9; 358:14; 372:15  
cared 276:19, 21  
career 15:2  
careers 312:25  
carriers 15:25  
carry 197:5, 15  
cars 64:2; 355:11; 367:16  
Carter 4:4, 5, 5:17, 23;  
16:24; 22:13; 45:17; 66:6;  
99:5, 8; 120:4; 124:17;  
134:6; 149:25; 158:16;  
162:20; 167:19; 181:16;  
200:16, 18; 207:10;  
229:14, 22; 236:6; 254:10;  
265:25; 267:4; 268:25;  
269:25; 270:2; 358:7;  
361:21; 374:9  
Carter's 352:15  
Carter-1 22:11, 16; 25:17  
Carter-10 268:19  
Carter-3 119:25; 120:6;  
125:20; 126:6  
Carter-4 124:14, 19;  
125:21; 126:7, 13  
Carter-5 162:18, 22  
Carter-6 181:14  
Carter-7 200:15, 20;  
217:16  
Carter-8 265:23; 266:4  
Carter-9 267:2, 7  
case 4:9; 7:10, 20; 10:10;  
44:24; 72:2, 13; 101:17;  
180:17; 257:8; 273:19;  
298:13, 22; 299:14;  
301:16, 21; 370:5; 376:9,  
23; 378:18  
cases 225:13  
castigated 261:19, 23;  
262:2  
Cathy 177:7; 185:7, 8;  
193:2, 4  
cause 94:24; 102:25  
caused 96:8; 147:23;  
148:23; 279:10  
Causeway 374:14  
CC 124:21; 126:8  
CC'd 120:14; 125:4  
CCing 122:13, 14  
celebrate 52:11  
cell 45:12; 46:4, 11, 20;  
47:4, 24, 25; 49:3, 4, 10  
cellar 353:23, 25  
center 143:3  
certain 63:19; 88:25;  
97:15; 198:20; 335:23;  
336:6; 337:7  
certainly 216:19; 377:22;  
378:19  
certified 310:15, 17;  
362:13; 363:25; 364:6, 11  
chain 308:20  
champion 302:7

chance 134:15  
change 126:6; 329:6, 9  
Changing 335:9  
Channel 197:3  
characterization 37:11;  
139:5  
characterize 40:20;  
47:3; 84:15  
charge 310:9; 346:12  
chauffeur 291:23;  
313:21; 315:8, 20, 22;  
316:18, 25; 317:15, 19, 22;  
319:11, 25; 320:17; 323:8,  
20; 324:23; 326:20;  
327:15; 328:3; 329:3, 16,  
25  
chauffeur 316:6;  
320:7; 321:12; 330:21  
check 64:3; 238:10  
checkpoint 315:12;  
316:19; 318:20; 320:2;  
323:21; 339:16; 359:18;  
367:21; 374:17, 20; 375:3,  
6, 9  
checkpoints 317:16;  
324:24; 327:16; 329:17;  
367:7, 8  
checks 225:14  
Cherry 74:19, 20, 20  
Chester 372:18  
chief 40:13, 18; 68:25;  
117:3; 120:14, 24; 124:21;  
125:7, 14; 126:9; 171:23,  
24; 172:20; 191:23; 225:4,  
6, 8, 22; 226:8, 10; 238:11;  
251:13; 252:19; 253:2, 20;  
254:9, 13, 19; 255:2, 3, 9,  
14; 256:3, 12; 282:10;  
292:6, 7; 303:25; 304:3, 5,  
8, 15, 17; 306:4, 22;  
307:16; 308:2, 4; 328:14;  
329:24; 330:21; 331:3;  
332:23; 333:15; 334:8, 10,  
16; 340:6, 8, 14  
child 339:18  
children 84:5; 113:14  
choice 290:18  
chose 21:10  
Chris 139:23, 23; 140:19;  
141:23; 142:11; 262:5, 10;  
263:15; 264:23; 361:17,  
19  
Christine 5:4  
chronologically 293:20  
chuckled 50:8  
circulates 256:16  
circumstances 21:4  
cite 72:5  
citizens 62:5  
Civil 12:10; 14:15;  
114:17; 178:5; 181:15, 24;  
190:10; 200:4; 202:3;  
217:25; 230:13; 233:11;  
257:16, 20, 25; 258:5, 10,  
14, 15; 259:4, 8, 12, 18,  
22; 260:6, 22; 261:5;

309:15; 311:15; 312:22,  
22; 361:23, 24; 362:6, 9;  
363:5, 12, 17, 21; 364:13,  
14; 370:7; 371:13, 18;  
372:15; 373:3  
civilian 313:22; 352:22;  
353:13  
civilians 351:8  
CJ's 45:13; 46:4; 48:3;  
336:9, 13, 20; 337:20;  
339:8  
Claim 22:12, 24; 23:2, 6,  
8, 21; 24:3, 4, 8, 12, 16, 25;  
25:12, 16, 20; 26:2, 12;  
35:10; 38:21, 23; 70:9;  
71:6, 10; 72:18; 79:5, 8;  
81:11; 103:17; 105:25;  
128:21; 129:7, 13; 132:8;  
158:25; 198:18, 20, 23;  
202:23; 204:18, 23;  
228:24; 240:8, 9, 13;  
254:22; 260:6; 278:2  
Claimant 70:14; 129:4;  
199:5  
Claimant's 128:24, 25;  
198:25; 199:2  
claimed 70:10; 72:19  
claiming 350:3  
claims 273:9; 377:12  
clammed 77:15  
clarify 249:14  
class 161:18; 368:4, 6, 9,  
11  
clean 37:20; 38:5, 17, 20;  
39:7, 13; 42:5; 352:16, 17  
Cleaning 63:25; 332:8,  
15  
clear 33:22; 44:21;  
117:15; 229:25; 252:6, 8  
Clemens 52:2; 67:16  
clerk 292:7; 360:2  
client 72:14, 17; 226:24  
clique 335:25  
clumping 103:7  
clumps 98:8; 102:12, 16,  
16, 23; 103:12  
code 172:17  
codeine 94:13; 95:19, 21  
coffee 210:9  
color 143:9  
comfort 70:21; 73:15, 17,  
21, 22; 74:4, 5, 8; 75:24;  
76:21; 78:14; 79:10, 17,  
24; 81:17; 82:5, 10; 83:22;  
84:14  
comfortable 231:19;  
232:3, 7; 235:16  
coming 39:14; 45:25;  
106:3; 122:11; 150:2;  
157:2; 159:10; 161:4;  
162:2; 164:24; 166:9;  
292:13; 318:21; 322:14;  
325:15; 326:2; 349:23;  
355:15  
command 308:20  
commander 302:18

commanders 302:11, 15  
commencement 27:12  
comment 15:20; 131:7,  
14, 18; 135:22; 136:13;  
158:18, 20; 215:18; 216:3,  
6, 10, 12; 276:10  
comments 134:8;  
182:15; 198:20; 275:4  
commissioner 172:18;  
177:5, 6; 185:21; 186:24,  
25; 188:7; 191:24; 192:15,  
17, 20, 22, 24, 25; 260:20  
commit 89:25  
committed 341:10, 14;  
345:2  
communicate 44:8;  
50:22; 69:15; 159:12  
communicated 21:7, 15,  
21; 22:5; 109:20; 365:12  
communication 25:7;  
260:23; 261:3; 280:3;  
281:22; 282:5; 328:23  
communications 7:25;  
11:20; 105:21; 193:20;  
365:7  
community 70:21;  
110:17, 19, 22; 111:3, 5  
comp 125:8, 12, 15;  
254:24  
company 318:22  
compensation 70:18  
complain 35:21, 24;  
36:9, 12, 16; 43:15, 23;  
45:5; 50:14, 16, 19; 51:4;  
68:25; 313:25; 318:13;  
319:2; 320:16; 321:23;  
322:6; 323:3, 6, 25; 325:2,  
7; 328:14; 329:24; 330:3,  
6, 8, 20, 24; 331:3, 6;  
332:13, 16, 22; 333:15;  
334:9, 13, 16; 338:15;  
339:3, 22; 340:8, 14, 16,  
18, 20; 343:16, 25; 345:21,  
25; 346:6; 355:18, 19, 24  
complained 37:2, 13, 17;  
38:12; 39:3; 40:3; 41:5, 23;  
42:4, 21; 45:18; 59:18;  
60:14; 61:20; 69:2; 88:11;  
314:6, 13, 22, 23; 315:25;  
317:13; 320:22; 321:11;  
326:19, 25; 327:14; 341:7;  
347:6  
complaining 38:3, 4, 8;  
60:21; 88:9; 327:25  
complaint 11:5; 38:19,  
24; 39:9, 17, 18; 40:21;  
41:11, 13, 17, 19, 25; 42:8,  
12, 15, 18; 43:2, 5, 8, 11;  
45:20, 23; 46:21; 47:4, 6,  
9, 12, 15, 19; 48:6, 17;  
49:12, 16, 25; 50:6, 10, 17;  
52:14, 20, 25; 53:2, 19, 21;  
58:2, 16; 60:25; 61:4;  
62:19; 63:20; 64:22;  
69:17; 79:22; 81:12;  
83:19; 97:13; 195:6, 25;  
196:6, 15; 205:10, 12, 16,  
17; 206:5; 244:3, 11, 22;

245:18, 19, 25; 246:5, 7, 8,  
11, 13, 16; 257:4; 264:3;  
265:9; 271:8; 272:8, 16,  
20; 277:18; 313:4, 8;  
315:16; 316:5, 9; 317:2,  
17; 321:7; 322:24; 328:10,  
25; 330:11; 331:9; 335:19;  
347:20; 348:6; 352:8, 14;  
376:12  
complaints 50:24; 58:13;  
63:8, 23; 64:5, 11, 18, 19,  
23; 69:22; 128:6; 321:25;  
324:4; 329:14; 346:19;  
361:4  
complete 211:16  
completely 71:11; 207:4  
completes 202:10  
composed 368:4  
computer 94:19; 161:21;  
196:4, 11; 364:17; 366:16  
concern 102:25; 245:21;  
246:4, 9, 13, 18, 22; 275:5;  
276:4  
concerned 36:6; 377:8,  
10  
concerning 7:17, 25; 8:7;  
11:10, 16, 25; 12:2; 19:24;  
20:9; 21:21; 47:19; 49:16;  
50:11, 24; 58:5, 13; 59:19;  
62:21; 63:9, 24; 64:11, 25;  
69:3, 17, 23; 90:24; 95:5;  
96:4; 97:16; 102:11;  
103:12; 108:10; 134:9;  
135:3, 7; 136:9, 21; 137:7,  
10; 154:18; 155:7, 25;  
158:18; 159:2, 13; 173:8;  
177:10, 19; 180:13; 186:4,  
10; 187:22; 188:10;  
195:21; 197:6, 16; 209:20;  
210:16; 213:14; 214:18;  
224:23; 226:4; 227:15;  
229:17; 251:10; 256:18;  
261:19; 272:15, 19;  
273:18, 19; 277:8; 280:4;  
286:19, 20; 314:23;  
328:25; 329:15; 360:6, 14;  
365:7, 18; 366:8; 371:11  
concerns 19:24  
concluded 147:16  
conclusion 32:8; 264:4,  
9, 14, 19  
conduct 26:5; 31:21, 25;  
32:11, 16; 33:18; 34:2, 3,  
12; 35:19; 60:14, 21;  
61:19; 90:5; 313:12  
conference 196:14, 18,  
22, 25; 197:16, 24; 198:13  
confirm 261:6  
conflicting 178:17  
conform 309:14  
confrontational 166:7  
confronted 261:18  
confused 208:18;  
209:16; 350:22  
confusing 250:4  
conjunction 369:6  
connected 208:13



connection 103:16;  
148:24; 276:14; 371:19;  
376:22, 25; 377:4  
**Connolly** 9:6; 40:24;  
41:2; 158:2; 213:8; 374:8;  
376:21; 377:6; 379:15  
**consecutively** 268:23  
**consider** 35:9; 127:25  
**considered** 206:4  
**console** 143:3, 21  
**constant** 108:12, 15, 24;  
109:4, 8, 13, 16  
**Constitutional** 244:18  
**contact** 93:11; 108:24;  
109:4, 8, 13; 110:9;  
163:14; 275:2; 284:6, 7;  
369:22  
**contacted** 110:12;  
235:10; 284:11; 364:14  
**contained** 97:10; 103:24;  
376:11  
**content** 246:10  
**contents** 246:15  
**continue** 68:23; 228:15;  
302:4; 316:24  
**continued** 84:23, 24;  
314:16; 362:10; 379:19  
**continuously** 27:6  
**contract** 116:16  
**contributed** 148:20;  
216:6  
**control** 34:9; 93:13;  
101:3; 102:4; 134:23;  
302:10; 366:13  
**controlled** 118:5; 367:21  
**conversation** 9:13;  
10:25; 20:6; 21:5; 55:3;  
140:14, 23; 141:2; 142:20;  
144:15, 25; 145:5; 147:3,  
13; 169:8, 14, 25; 170:2, 7,  
7, 14; 174:6, 21; 176:4;  
178:14, 19; 187:3; 188:9,  
21; 189:3, 8, 13, 18, 23;  
190:16, 20; 191:4, 12, 13,  
14; 192:5; 193:5, 24, 25;  
194:8, 24; 203:21; 210:9;  
213:14; 216:24; 218:23;  
219:5, 15; 228:24; 238:24;  
260:11; 275:8, 15; 277:3,  
5; 278:2, 8; 279:19; 283:4,  
20; 284:16; 286:7; 288:10,  
13; 293:22; 309:20;  
371:22; 377:21  
**conversations** 144:10;  
145:8, 14, 23; 146:11, 17,  
19, 22; 150:7; 179:3, 11;  
180:8; 194:2; 202:18  
**Conway** 63:15; 342:18  
**cooperate** 301:12, 15, 20  
**cooperating** 152:18;  
155:15  
**copies** 99:4; 102:2; 366:6  
**cops** 358:10, 12, 13, 14  
**copy** 93:12; 117:7;  
199:19; 205:6; 269:9;  
282:2; 293:6, 8, 11; 362:14

**Corallo** 74:16; 77:13  
**Corneille** 326:9  
**corner** 82:16; 355:3  
**correctly** 117:13, 22;  
146:15; 235:12; 243:12;  
249:4; 329:12  
**Correspondence**  
117:12; 120:2, 11; 123:17;  
124:15, 25; 150:5; 224:15;  
284:2, 4, 6; 311:14, 19;  
358:19; 371:17; 372:3  
**corridor** 215:8, 8  
**corruption** 208:12;  
209:23; 250:16; 271:17;  
272:23; 273:9; 276:7;  
290:6  
**cost** 215:20, 23  
**Costco** 125:18  
**costs** 70:19; 71:2; 72:4,  
15, 20, 21; 73:9, 11  
**counsel** 4:18; 5:8; 6:24;  
7:4, 5; 8:3, 5, 8, 9, 11;  
11:24  
**counter** 95:23  
**County** 5:4, 6; 13:22, 25;  
14:11; 15:10; 20:3; 107:3,  
5, 10; 178:5; 181:15, 24;  
201:17; 202:3; 217:18;  
218:2; 229:24; 230:9;  
235:3, 6; 236:11, 19, 22,  
23; 237:3; 238:7; 239:12,  
16, 23; 243:24; 252:14;  
258:14; 262:16; 273:14;  
275:2; 276:9; 277:3;  
280:4; 283:8; 284:12, 18,  
25; 285:20; 287:25;  
291:12, 20; 292:3; 293:14;  
301:12, 15; 309:15;  
325:25; 326:3; 362:20;  
366:25; 367:20, 23;  
368:20, 21; 369:21; 370:7;  
371:13, 18; 376:9  
**couple** 9:24; 31:14; 54:3;  
55:25; 57:21; 65:8; 68:21;  
82:24; 89:10, 18, 19;  
95:19; 106:25; 146:6;  
149:17; 190:3, 6; 262:18;  
268:8; 292:11; 295:6;  
342:15; 349:4; 358:16;  
364:23; 372:17; 374:24  
**courage** 61:2, 7, 12, 14;  
62:9; 271:13  
**Court** 4:8, 13, 15, 16;  
5:15, 21, 24; 13:12; 22:10;  
23:10; 71:16, 22; 200:14;  
292:7; 360:2  
**coverage** 52:8  
**crap** 359:16  
**crimes** 341:9, 14; 344:25  
**cups** 37:21; 38:16; 342:8  
**current** 249:17  
**currently** 185:20  
**custody** 34:9; 93:13;  
101:2; 102:3; 134:23;  
366:13  
**cut** 40:10, 11; 41:7; 42:22;  
82:19

**cuts** 231:4, 7, 14  
**cutting** 159:9; 161:3, 24;  
165:18

**D**

**DA** 152:18; 153:24; 154:6,  
11; 156:6; 194:23; 273:13,  
14; 275:2; 276:9, 17, 19,  
23; 277:3, 16, 25; 278:4,  
13; 279:18, 25; 281:22;  
283:8; 284:12, 18, 25;  
285:20; 286:12; 287:25;  
288:4; 291:12, 21; 292:3;  
293:14; 296:3, 17; 297:4,  
23; 298:2, 7, 11, 21;  
299:13; 300:6, 19, 24;  
301:2, 12, 15, 21; 376:10  
**DA's** 194:20  
**damage** 70:9, 19  
**damaged** 110:25  
**damages** 70:14, 16;  
71:10; 72:18, 22; 97:16  
**damaging** 257:14; 260:7  
**dangerously** 313:19  
**date** 8:20; 23:21, 23;  
30:16; 72:8, 21; 79:21;  
81:10, 11; 83:18; 107:22;  
132:22, 23; 208:23;  
216:14; 231:13; 240:24;  
244:21; 271:6; 274:25;  
298:9; 312:5; 314:8;  
343:12; 358:5  
**dated** 79:6; 96:25; 120:2,  
7; 124:15, 22; 162:19;  
200:16, 20; 240:10;  
265:24; 267:3  
**dates** 11:14, 19; 126:21  
**daughter** 127:7  
**daughter's** 113:16;  
149:13  
**Dave** 148:8, 11; 151:9,  
11, 13  
**day** 31:2; 51:11, 12; 57:6;  
62:25; 63:6, 22; 64:22;  
68:6; 69:3; 75:2; 76:3, 4;  
82:14, 14; 90:2, 6; 94:5;  
106:17; 110:15; 114:12,  
19, 25; 115:2; 116:7, 10;  
117:18, 18, 20; 118:16, 19;  
126:24; 127:11; 150:19;  
151:12, 14, 16; 165:20;  
187:16; 195:13; 198:11,  
12; 220:12; 283:15;  
284:19; 285:15, 16; 322:9;  
364:17; 373:4  
**day-to-day** 112:21  
**days** 9:18, 20, 24; 27:8,  
12, 25; 28:24; 119:4, 15,  
16; 124:9; 146:6; 149:18;  
163:23; 328:7, 7  
**dead** 322:4  
**deal** 301:11  
**dealers** 278:6  
**dealing** 166:10, 11  
**deals** 301:20

**debating** 198:8  
**DeCanio** 160:22; 161:23;  
171:17; 172:20; 199:14;  
208:8; 212:8, 20; 214:7;  
257:9; 260:9  
**DeCanio's** 173:14  
**Decantio** 171:16; 173:6,  
13, 16, 24; 175:5; 176:23;  
177:9, 17; 212:11, 16, 23;  
213:15; 214:3, 4, 9, 10, 17;  
223:13; 228:25; 260:16,  
21  
**December** 120:3, 7, 20;  
121:7, 24; 123:2; 125:20  
**decide** 9:25; 290:19  
**decided** 198:10  
**decision** 21:22; 155:7;  
188:12; 190:21  
**decisions** 119:18  
**deck** 295:10  
**deceased** 113:8  
**deem** 62:11  
**defamation** 131:6;  
132:21; 140:2; 145:24, 25;  
246:24  
**defamatory** 85:2; 129:3,  
8, 14, 22; 130:5, 19, 25;  
131:7, 14, 18; 132:9;  
133:10, 11; 134:8, 18;  
135:3, 8, 17, 22; 136:3, 8,  
13, 22; 137:6, 11; 140:7;  
158:24; 159:12; 198:20;  
199:4; 203:7, 14, 25;  
204:11, 18, 23; 215:22;  
216:8, 12  
**defamed** 110:25; 130:13;  
132:24; 199:11, 16  
**defaming** 166:9; 180:18  
**Defendant** 44:23; 45:3;  
81:23; 85:25; 303:3; 308:8  
**Defendants** 4:7, 24, 25;  
5:6; 196:20; 205:5; 366:25  
**Defendants'-1** 205:9  
**defense** 72:6  
**defined** 123:4  
**definitely** 19:5  
**delayed** 5:10  
**demoted** 90:14  
**Denhoff** 355:4  
**denied** 207:10, 20; 208:2;  
229:22; 230:3; 236:7  
**deny** 230:6  
**department** 88:15; 93:5;  
121:4; 170:11; 172:9, 10,  
14, 15, 16, 19; 175:6, 20,  
22; 183:4, 6; 188:3;  
203:10; 208:15; 217:24;  
219:10; 238:7, 8; 247:2, 4;  
248:6, 6, 15, 19, 23, 24,  
25; 250:6, 11, 16; 251:7,  
12, 18; 253:21; 254:4;  
258:15; 269:10; 271:18;  
282:13, 21; 290:17; 292:9;  
294:5; 302:9; 305:17, 20;  
306:16, 22; 307:15;  
308:10; 310:7, 10; 313:19;

351:2; 355:14; 360:15;  
362:15; 364:20; 370:7;  
371:12, 13, 19, 20  
**department's** 176:13  
**departments** 368:6, 8  
**deploying** 52:7  
**deposed** 7:10; 8:17;  
10:16; 12:3; 299:14;  
300:10, 12, 16, 20; 301:4,  
8  
**deposition** 4:3; 5:12;  
6:11; 7:13, 16, 17, 21;  
8:13, 20; 9:15, 19; 10:3, 9;  
11:8, 11, 25; 72:9; 298:9,  
12, 15  
**depositions** 9:16; 10:12,  
16; 11:13  
**describe** 77:7; 80:2;  
100:15; 351:19  
**desk** 39:12, 23; 99:25;  
125:3; 293:25; 294:18;  
311:20  
**destroy** 248:11  
**detail** 71:13; 244:7  
**Detective** 275:11, 12;  
276:8; 277:4; 280:9;  
283:12; 293:21; 296:22;  
300:21, 22, 24, 25; 301:6  
**detectives** 277:7, 16;  
288:13  
**determine** 123:9; 264:25  
**device** 17:11  
**DI** 25:4; 71:3; 249:10  
**dictaphone** 143:10  
**difference** 114:15, 16;  
180:4; 324:13  
**different** 82:14; 89:16;  
92:20; 94:18; 119:6;  
179:22; 223:9; 269:20, 23;  
343:5  
**differently** 34:20; 75:18  
**difficulty** 84:19  
**dinner** 68:18  
**direct** 64:11; 187:18;  
203:8; 319:17; 323:8, 20;  
324:23; 338:16  
**directed** 204:9, 17;  
319:11, 25  
**directing** 320:17; 323:14  
**direction** 203:9; 318:10;  
325:9; 326:20; 328:15;  
329:3, 15, 25; 338:17  
**directions** 327:15; 328:2  
**directive** 221:3; 222:14;  
289:20; 341:13  
**directives** 16:10; 21:9,  
17; 133:16, 16; 134:9;  
135:4, 7, 12, 16, 20, 23;  
136:9, 13; 146:7; 166:16,  
17; 168:11; 218:19;  
219:19; 220:2, 13, 20, 21,  
24; 221:4, 10, 20, 21, 22,  
25; 222:6, 10; 230:11;  
231:22; 232:15; 237:24;  
289:21; 341:8  
**directly** 21:7, 21; 22:5;

33:10; 35:4; 64:24; 132:8;  
140:8, 10; 159:12; 309:11;  
310:5, 18; 319:5, 7; 347:11  
**director** 200:23; 202:2;  
208:22; 217:3, 10, 18, 21,  
24; 218:2  
**disability** 121:8, 10;  
226:11; 253:19  
**disagree** 377:24  
**disc** 144:23; 145:20  
**disciplinary** 313:4  
**discipline** 303:7; 304:23;  
307:4, 9, 11  
**disclose** 11:19; 299:2  
**disclosed** 179:20  
**disclosing** 179:22, 24;  
180:5  
**disclosure** 93:4, 7, 9  
**discovery** 312:11, 16;  
359:6  
**discuss** 109:18; 371:3;  
377:18; 378:17  
**discussed** 109:25;  
371:11; 378:9, 10  
**discussion** 191:5;  
258:23; 296:23  
**dispatchers** 139:13  
**disprove** 236:3  
**disregard** 341:13  
**disregarded** 128:5;  
344:25  
**disregarding** 341:9  
**District** 4:8, 9; 16:14;  
138:5; 148:4, 6, 11; 149:3,  
23; 150:22; 151:10, 17;  
152:5; 153:20; 155:15;  
157:3; 250:18; 280:4;  
284:7; 290:8; 369:21  
**disturbing** 94:5  
**division** 247:5; 248:10  
**doc** 120:10  
**dock** 46:2; 49:3; 139:13;  
353:22  
**doctor** 88:23; 95:4, 12;  
96:3; 102:11; 103:9  
**document** 22:21, 23;  
32:10; 99:7; 101:15, 16;  
104:12, 20, 25; 119:24;  
124:14; 162:18; 165:6;  
181:14, 20, 23; 206:9;  
226:4; 260:4; 265:23;  
266:3; 267:2, 8, 18;  
268:24; 269:8; 270:11;  
291:13, 21; 292:3, 17;  
293:4, 15; 312:20  
**documentation** 224:22  
**documents** 22:11;  
268:18; 366:12  
**done** 22:18, 19; 23:9;  
90:18; 112:8; 146:18;  
161:17; 166:7; 170:3;  
206:23; 238:8; 291:11, 11;  
295:13; 323:17; 326:12;  
335:20, 21; 345:6; 350:24;  
355:13; 358:2; 364:24  
**Donuts** 80:6; 81:9

**door** 295:7, 9, 12, 14;  
296:8, 10, 13; 342:5, 5;  
347:2, 4  
**double** 209:18  
**doubt** 171:12  
**down** 51:17; 52:17;  
54:18, 22; 55:7; 73:21;  
111:9; 127:5, 19; 130:9;  
190:14; 208:21; 270:13,  
18; 274:9, 9, 15; 275:13;  
277:2; 279:8; 292:10, 20;  
329:22; 337:10  
**dozen** 96:11; 273:17  
**drafts** 205:15  
**drank** 55:20; 57:23;  
59:24; 60:8; 66:7, 13, 18,  
21  
**drawn** 264:3, 9, 13, 19;  
265:5, 10, 14, 18  
**drink** 37:12; 51:20, 21,  
24; 52:21; 53:7, 12, 17;  
54:21; 55:5, 15, 16, 21;  
58:6, 11; 59:7, 10, 12, 21;  
60:18; 61:15; 66:25; 67:2,  
4, 8, 11; 68:4, 10, 19;  
302:11; 336:22  
**drinker** 336:20  
**Drinking** 31:24; 32:20,  
25; 33:3, 20; 34:16; 35:14,  
18; 36:4, 13, 17; 37:22;  
38:3, 9, 15, 21; 43:17, 24;  
44:10; 45:7; 47:20; 49:16,  
18; 50:25; 51:5; 52:18, 22;  
53:3, 20; 54:12; 55:14;  
58:5, 9, 14; 59:20; 60:3,  
10; 61:23; 62:21; 63:9, 24;  
65:2; 69:3, 24; 315:5;  
318:15; 341:25; 346:20,  
22  
**drinks** 54:4, 24; 55:6, 25;  
292:12; 339:11  
**drive** 56:13; 58:25;  
127:10; 318:24; 323:16,  
17; 327:9, 19; 339:15;  
360:3; 374:24; 375:7  
**Driver's** 101:4, 5, 8, 13,  
20; 107:19  
**driving** 64:6; 319:6;  
322:14, 15; 324:11;  
325:18; 327:6; 337:10  
**dropped** 39:12; 82:11;  
208:14; 293:5, 15  
**dropping** 215:6; 218:7  
**drove** 326:7; 327:20  
**drug** 278:6  
**drunk** 58:25  
**drunken** 291:23  
**due** 102:19, 21; 207:12;  
228:20; 283:25  
**duly** 5:18  
**dumbfounded** 289:22  
**Dunkin** 80:6; 81:9  
**during** 18:17; 19:10;  
21:12; 29:22; 31:2; 36:22;  
48:17; 62:25; 63:21; 68:6;  
90:5; 109:4; 114:11, 24;  
115:25; 116:3; 118:6, 16,

18; 127:16; 128:24; 157:4;  
188:21; 189:2; 190:19;  
199:2; 277:25; 278:8;  
280:17; 283:3, 20; 289:2;  
317:9; 350:12, 13; 351:2;  
356:4  
**duties** 313:2; 350:10  
**duty** 31:24; 32:20; 33:2,  
20; 34:16; 35:14, 16, 18;  
36:13, 17; 37:13; 38:21;  
43:18, 24; 44:10; 45:7;  
46:12; 47:20; 49:17, 19;  
50:25; 51:5; 52:19, 21, 22;  
53:12, 20; 54:12; 55:14;  
58:6, 14; 59:20, 25; 60:4,  
11, 16; 61:11, 16, 23;  
62:21; 63:9, 24; 65:2;  
66:23, 23; 67:4, 9, 12, 16;  
68:5, 5, 11; 69:4, 23;  
126:16; 134:11; 166:4;  
271:14; 277:25; 288:24;  
291:6, 15; 301:25; 320:3,  
6, 9, 10, 13; 331:23;  
351:15; 375:11

## E

**E.L.** 22:14; 99:9; 120:5;  
124:18; 162:21; 181:18;  
200:19; 266:2; 267:5;  
269:3  
**earlier** 31:14; 104:11;  
163:23; 178:17; 241:2;  
281:14, 15; 288:3; 366:24  
**early** 14:4; 51:13; 105:15  
**ears** 322:4  
**easily** 153:7  
**East** 151:6  
**Eastern** 4:8  
**economic** 70:16  
**Ed** 4:15; 40:18; 43:15, 23;  
44:9; 47:10; 70:2; 87:4;  
125:18, 21; 138:2; 139:4,  
8, 9, 10; 218:12; 225:11;  
253:18; 270:22, 25;  
303:25; 304:6; 361:21  
**Eddie** 80:11; 127:9;  
161:19; 176:10; 254:3;  
327:4  
**editorial** 267:10  
**Edward** 4:4, 5; 5:17, 23;  
270:2  
**effort** 238:14  
**efforts** 108:11; 227:3, 13;  
302:7  
**eight** 170:9; 318:3;  
320:13; 351:23  
**either** 119:4; 204:9;  
212:19; 270:21; 313:13;  
320:17; 321:4, 12; 323:8;  
326:20; 327:15; 328:3;  
367:21; 371:14, 17, 23;  
372:3; 374:12; 376:10  
**Eligible** 181:16  
**else** 12:2; 26:16; 32:21;  
34:17; 36:2, 9; 83:20;  
129:13, 18; 134:16;

155:17; 162:10; 175:4;  
176:16; 179:2; 185:17;  
196:17; 199:20, 23;  
212:15; 214:10, 18; 231:5;  
270:25; 271:3; 272:12;  
281:18, 21, 24; 283:19;  
285:18; 287:13, 15;  
295:15; 308:17; 317:19;  
349:7; 352:19; 355:24;  
359:24; 373:23  
**email** 21:13; 160:18;  
161:12, 19, 22; 162:9, 19,  
22; 163:4; 165:8, 9, 20;  
173:20, 25; 175:2, 5;  
177:11, 20, 25; 199:13, 15,  
17, 20, 23; 212:13, 17, 22;  
213:5, 14, 22, 24; 214:3,  
11, 20; 223:3, 5, 12, 20;  
224:16, 17, 20, 21; 230:21;  
255:6; 265:24; 266:21, 23;  
267:3, 15, 17, 19; 365:12;  
371:17; 372:3  
**email's** 267:12  
**emailed** 365:24; 366:3, 8  
**emails** 365:6, 17  
**embarrass** 238:2  
**Embrey** 294:7, 12, 13,  
15, 17; 295:22; 296:17;  
298:25; 363:8  
**emotional** 70:23; 93:23,  
25; 94:9; 95:16  
**empanelled** 172:20  
**employed** 12:6, 12;  
203:9; 237:17; 253:5;  
313:6  
**employee** 91:13; 162:3;  
171:6; 195:9; 254:20;  
307:16; 308:15  
**employee's** 269:12;  
270:7  
**employees** 303:8;  
304:23; 307:4, 9, 11;  
308:11, 16; 374:10;  
375:16  
**employer** 15:5, 7, 10, 12;  
92:5, 17; 93:2; 181:3;  
222:13; 242:21, 23;  
243:17, 17; 249:17;  
253:12  
**employment** 12:16, 18;  
13:17, 20, 21, 25; 14:12,  
24; 27:13; 29:8; 31:2, 6;  
114:4; 128:25; 129:2;  
131:17; 132:7; 163:16;  
199:2, 4; 261:20  
**employment-related**  
303:8  
**empty** 37:21; 322:18;  
331:19  
**encounter** 372:11  
**end** 14:7; 68:14, 17;  
107:6; 108:23; 117:19;  
158:8; 202:5; 216:20;  
228:19; 238:24; 242:7;  
302:23; 341:6; 362:13  
**endemic** 271:16  
**ending** 134:7

**ends** 65:23; 133:23;  
268:10; 335:11  
**enforced** 341:9  
**enforcement** 172:17, 21;  
240:4; 244:25; 247:2, 5, 8;  
248:4, 10; 253:20; 273:8  
**engage** 31:22; 32:2, 12,  
17; 34:4, 13; 247:20; 250:7  
**engaged** 26:6; 60:3;  
291:5  
**engages** 248:16; 250:12  
**engaging** 249:6; 291:14  
**enough** 10:13; 95:12;  
231:16  
**enraged** 359:17  
**ensuring** 309:14  
**entered** 9:6  
**entire** 174:25; 305:17, 19;  
306:21  
**entirely** 72:12  
**entitled** 71:12; 72:6, 14;  
73:12  
**entity** 12:13, 16, 19;  
13:17, 20; 15:12; 329:14  
**entry** 216:15, 20  
**escapades** 277:24;  
278:15  
**establishment** 61:14  
**estimate** 57:7  
**et** 4:5, 7  
**Europe** 295:3  
**evacs** 225:13  
**even** 79:3; 88:12; 128:4;  
151:8; 218:20; 224:19;  
231:20, 22; 233:12, 17;  
248:12; 249:8; 253:22;  
271:6; 286:5; 324:4;  
351:12  
**evening** 55:2; 360:4  
**event** 73:12  
**events** 19:15; 20:8, 19;  
63:19; 244:8  
**everybody** 56:18; 188:3;  
294:9; 343:19; 348:16;  
361:9  
**evidence** 180:13, 16;  
204:8, 16, 21; 216:11  
**exact** 30:16; 96:10;  
153:14; 167:13, 17, 19;  
174:22; 190:11; 208:23;  
231:12; 241:7, 10; 273:15;  
298:9; 332:3; 358:5  
**exactly** 49:5; 114:20;  
144:17; 145:3; 161:2;  
162:5; 191:19; 193:10;  
220:15; 241:8; 292:15;  
293:19; 318:2; 372:22  
**exam** 18:7, 18; 19:10;  
375:25  
**EXAMINATION** 6:13;  
366:21; 374:7; 375:15  
**examined** 5:19  
**example** 77:25; 287:10;  
378:15  
**examples** 26:17

**Except** 133:7; 192:12;  
356:10; 357:10, 11  
**exchanged** 371:16;  
372:2  
**excuse** 69:7; 368:19  
**executive** 185:21;  
186:23, 24  
**exemplary** 313:2  
**exercise** 62:9  
**Exhibit-1** 22:13; 128:22;  
205:6; 271:9  
**Exhibit-10** 269:2; 286:25  
**Exhibit-2** 99:6, 8, 11  
**Exhibit-3** 120:4  
**Exhibit-4** 124:17  
**Exhibit-5** 162:20  
**Exhibit-6** 181:17  
**Exhibit-7** 200:18  
**Exhibit-8** 265:25  
**Exhibit-9** 267:4  
**exist** 365:17  
**expect** 171:6; 230:24  
**experience** 26:21; 27:2;  
30:7  
**expire** 190:10  
**expired** 191:21  
**Explain** 114:15; 128:13;  
152:22; 155:12; 163:10;  
172:13; 187:12; 189:2;  
237:19; 367:7  
**explained** 127:2; 153:7;  
161:23; 163:5; 176:12;  
208:24; 218:8, 10; 220:15;  
237:14; 238:22; 244:6;  
285:7, 14; 288:3; 289:16;  
314:16  
**explaining** 161:22;  
224:2; 225:20; 226:24;  
268:4  
**explanation** 230:2;  
252:6, 9  
**explode** 58:19; 59:9  
**expressed** 20:12, 15  
**extent** 10:24; 105:2, 20;  
115:10; 270:11; 376:14;  
378:8; 379:9  
**extreme** 70:22; 93:22;  
94:9; 95:16  
**eyes** 112:13, 18

## F

**face** 94:20; 161:10, 10;  
174:12, 12; 197:11;  
358:24; 359:3; 363:14, 16  
**face-to-face** 140:13;  
187:3  
**fact** 12:2; 38:4, 19; 39:22;  
43:15; 83:4; 127:7;  
137:13; 152:21; 154:12;  
165:10; 166:3; 173:9, 12;  
179:18; 180:7; 183:3;  
244:17; 246:20; 267:17;  
288:22; 291:9; 297:13;  
342:2, 3; 354:13

**fail** 19:14, 25; 20:7, 18;  
245:4  
**failed** 376:3  
**failing** 133:16  
**failure** 302:9  
**Fair** 10:13; 14:25; 37:9,  
11; 38:18; 41:9; 100:16;  
126:20; 127:23; 139:5;  
186:6, 7; 211:15; 240:12;  
355:16, 23  
**fairly** 84:15  
**fall** 16:10; 21:10; 149:2;  
220:14; 280:6; 336:21;  
337:20; 339:2; 340:10  
**fallen** 302:10  
**falling** 102:16; 103:7, 13;  
231:23  
**falls** 130:8  
**false** 171:9; 176:19;  
222:8; 223:24; 246:23;  
256:17; 257:14; 260:7  
**falsified** 16:22; 131:10;  
209:14; 356:12  
**falsify** 153:22  
**falsifying** 85:15; 87:7;  
163:20; 166:21  
**familiar** 23:3  
**family** 73:18; 111:8, 12;  
126:25; 128:15; 261:18,  
22  
**family's** 73:22; 74:5  
**fan** 295:12  
**far** 172:11; 238:4; 244:17;  
252:16; 290:16; 375:13  
**fashion** 313:2  
**father** 110:23  
**fault** 327:5  
**favorable** 41:24; 42:7, 25  
**faxed** 364:21  
**fear** 70:22  
**February** 126:17, 24;  
127:12, 12; 162:13, 15;  
169:15; 171:3; 217:14  
**Federal** 6:6  
**fee** 72:3  
**feel** 222:9; 298:20; 299:8,  
12  
**feeling** 285:8; 347:5  
**fees** 70:19; 71:2; 72:4, 8,  
15, 19, 21; 73:9, 11  
**fellow** 56:2  
**felt** 105:25; 110:4;  
145:24; 147:19; 208:13;  
231:3, 15, 18; 232:3, 6;  
235:16, 23; 239:10;  
275:17; 276:14; 285:8;  
299:17; 300:15  
**female** 369:14  
**females** 325:18  
**ferry** 374:13  
**few** 28:15; 90:11, 18;  
107:10, 14; 191:21; 194:2;  
365:6; 367:2; 374:24  
**field** 367:12

**fight** 326:4  
**figure** 154:18; 235:20  
**file** 24:4, 25; 205:12, 17;  
206:17; 261:10, 13;  
353:22; 354:5, 9, 14;  
370:18  
**filed** 8:14; 23:8, 21; 24:8,  
13; 79:4, 21; 82:16, 20;  
96:24; 240:8; 244:2;  
245:25; 246:5, 7, 8, 13;  
254:22  
**filing** 79:8; 81:11, 12;  
83:19; 196:15; 240:13;  
244:22; 272:8  
**fill** 93:4, 16, 17; 105:4;  
242:4  
**filled** 178:11; 192:9;  
237:12; 270:14, 15  
**filling** 188:24; 189:3, 10;  
192:3  
**final** 166:8  
**find** 15:11; 35:13; 220:6;  
225:16; 238:2, 3; 245:17;  
263:3; 274:3; 306:17;  
364:16  
**finding** 245:22; 246:6  
**Fine** 218:4; 295:6; 377:6  
**finish** 74:2  
**finished** 345:7  
**FINS** 367:19  
**Fiorillo** 106:8, 10, 12, 15,  
20; 107:8, 9; 108:9;  
110:11; 266:19; 349:6;  
353:21; 355:7  
**fire** 33:12; 34:25; 66:13;  
221:23; 360:20; 367:9, 19;  
368:18, 19; 374:16  
**fired** 16:8; 17:19; 18:4, 8,  
19; 33:5, 6, 8; 35:5;  
111:23; 131:12; 135:11,  
19, 23; 138:11; 146:9, 25;  
147:17, 20; 148:21; 150:8;  
167:3, 12, 20; 168:4;  
195:5; 219:18; 220:2, 19;  
221:9, 22; 222:6, 9, 9;  
223:13; 224:2, 5, 12, 24;  
225:20; 226:5, 24; 227:6,  
16; 231:2, 7, 25; 232:12,  
23; 233:6; 235:14; 240:6,  
16, 21; 241:15, 19; 242:15,  
19; 243:15; 244:14; 274:7,  
23; 276:20, 22; 278:19;  
296:21; 297:7; 347:5, 13,  
17  
**firing** 133:14; 221:25;  
276:15  
**firm** 4:13; 23:20; 103:16;  
104:8, 16; 105:14, 18, 22,  
23; 106:10; 109:19, 20, 22,  
24; 110:5, 9, 14, 16;  
202:17  
**first** 5:17; 8:14; 31:3, 6,  
12; 35:12, 13; 37:16;  
38:13; 40:21; 41:6, 13, 17,  
22; 45:9, 18, 23; 56:22, 23;  
57:3; 60:24; 66:17; 71:24;  
75:21; 77:11; 105:7, 13;  
121:9; 144:12; 149:8;

150:12; 151:14; 152:5;  
166:15; 189:17; 190:15;  
193:5; 194:8; 203:6;  
207:8; 220:12; 228:15, 19;  
229:5, 17; 231:21; 237:10;  
269:6; 271:9; 280:2;  
281:22; 283:3; 285:4;  
314:5; 315:25; 320:22;  
321:7; 325:11; 326:18;  
336:17; 338:10; 345:20;  
346:7; 348:5; 352:24;  
353:11; 362:5; 367:11  
**firsthand** 282:25;  
352:10; 356:17  
**five** 5:13; 25:21; 27:25;  
61:2; 63:11; 109:18;  
113:16; 156:22; 249:20;  
268:15; 271:11, 12; 282:7;  
302:22; 335:12; 367:12  
**five-minute** 202:7  
**flagged** 91:19  
**flashlight** 352:4  
**floor** 341:19  
**fogged** 89:11, 21; 90:6,  
12, 19  
**follow** 133:16; 227:18;  
245:5  
**follow-up** 253:25  
**followed** 135:20  
**following** 9:17; 22:11;  
119:24; 124:14; 162:18;  
181:14; 265:23; 283:15;  
284:19  
**follows** 5:20; 130:10  
**food** 339:10  
**forget** 241:7  
**form** 44:9; 93:5, 7, 9, 12,  
16, 22; 130:9  
**forth** 205:25; 206:4;  
244:7; 257:6; 311:15;  
316:19; 345:9; 360:24  
**forward** 240:23; 260:19  
**forwarded** 91:9  
**found** 24:19; 48:14;  
61:22; 143:17; 225:14, 15  
**four** 18:2; 25:20; 70:11,  
11; 110:18, 20; 168:7, 23;  
190:12; 202:14; 268:11  
**fourth** 17:5; 166:8, 14;  
289:5, 6, 7; 323:3  
**frame** 174:22; 190:11, 14  
**Frank** 80:18; 106:8, 9, 12,  
22; 110:3, 11; 266:19;  
349:6; 353:21; 355:3, 11,  
12  
**frankfiorillo@opton-**  
**line.net** 266:16  
**frankly** 268:21  
**free** 6:23; 368:25  
**frequent** 302:12  
**frequently** 341:7  
**Friday** 294:16; 295:18, 19  
**friend** 53:8; 54:4, 21;  
76:24, 24; 83:14; 108:17,  
18; 113:24; 128:2; 318:22;  
364:18; 373:2

**friend's** 75:24  
**friends** 73:19; 74:7, 10;  
76:9, 19, 22; 80:15; 82:8;  
84:7; 111:8; 113:18, 18;  
295:2; 313:22; 316:22, 25;  
317:15; 318:5, 6, 16, 17;  
319:4, 7; 320:18; 321:12;  
323:9; 324:24; 326:21;  
327:16; 328:3; 329:16;  
341:11, 15; 342:21; 345:2  
**friendship** 77:24; 78:4, 4  
**friendship's** 82:22  
**Friun** 362:16  
**front** 39:12; 56:23;  
104:13; 117:8; 271:9;  
292:12, 14, 15; 295:7;  
312:21; 352:22; 353:12  
**fucked** 373:14  
**fucking** 358:10, 12, 13,  
14; 359:17  
**fuel** 37:21; 50:11  
**fuels** 38:16; 39:11; 49:23;  
50:2; 63:16  
**fulfill** 271:14  
**full** 98:13; 114:22;  
115:19; 125:7; 128:23;  
198:23; 221:6; 267:11  
**full-time** 89:6, 9; 91:7;  
115:2; 118:19; 119:16  
**fully** 70:25; 96:21; 97:17;  
212:14  
**funny** 150:21; 151:22, 24  
**further** 16:12; 128:23;  
198:25; 250:24; 366:20;  
374:3; 379:16  
**Furthering** 15:2  
**future** 70:17; 163:16;  
180:20

## G

**Galoppi** 281:5, 8  
**Gary** 46:5, 7; 325:19;  
327:18; 346:21; 362:2;  
363:7  
**gas** 322:13, 16  
**gassing** 322:21  
**gate** 367:22  
**gave** 17:6, 25; 18:3, 19,  
21; 22:4; 40:9; 58:11; 61:8;  
63:11; 65:4; 117:2;  
148:16; 163:13; 166:13;  
167:9; 168:20; 221:5, 8;  
234:8; 239:7; 243:7;  
281:25; 294:11; 296:25;  
306:3; 337:15; 338:16  
**gender** 369:12  
**general** 282:11  
**generally** 257:3  
**gentleman's** 75:20  
**gentler** 360:14  
**George** 16:7; 20:25; 21:6;  
26:8; 35:25; 37:19, 23;  
38:14; 39:6; 40:22; 45:6,  
25; 46:21; 52:4, 7; 53:16;



55:10, 18, 18; 56:20, 23, 25; 57:10, 12, 14; 58:11, 16, 21; 60:8; 63:8; 64:5, 6, 24; 67:17; 69:23; 80:17; 88:9, 13; 99:25; 106:23; 117:4; 125:12, 14, 16; 126:24; 129:10, 12, 18; 130:22; 138:21; 139:3; 140:4; 147:14; 148:8, 10; 150:15, 24; 151:19; 153:13; 154:5; 155:25; 156:12; 157:11, 12; 158:4; 160:17, 19; 161:15, 20; 166:24; 167:22, 25; 169:14, 21; 171:2, 4, 11; 176:9; 185:24; 195:16; 203:17, 20, 22; 216:16, 22; 225:9; 226:7; 227:4, 7, 14; 230:5; 238:18; 251:20; 252:25; 253:19; 260:12; 265:18; 270:13, 14, 15, 22, 24; 271:23; 272:11, 13; 284:13; 288:19; 289:22; 291:22; 302:17; 304:17; 305:5; 307:17, 20; 310:8; 311:18; 315:10, 24; 316:2, 6, 22, 25; 318:5, 7; 319:8, 10, 14; 320:16, 25; 322:11; 325:4, 22, 24; 326:19, 24; 327:3, 6, 8, 14, 21; 329:13; 332:7; 337:13, 13; 338:20; 339:12, 17, 22, 23; 341:20, 23; 342:4; 345:21; 356:18, 19, 20; 358:15, 17; 362:12; 363:11, 13, 16, 20, 23; 364:4, 9, 15, 15; 372:7, 10; 373:8, 9, 10, 13, 19, 24; 374:5

**Gerden** 148:9

**gets** 346:24

**Gilbert** 16:15; 77:12, 18, 20; 100:3; 111:16; 138:5; 147:22, 25; 148:13; 149:5; 152:4; 155:2; 156:2, 7, 15, 24; 157:4; 273:22; 275:18, 22; 276:2, 11, 15; 279:14; 280:7, 17, 19, 23; 285:9; 286:22, 23; 290:2; 294:6, 14, 16, 24; 295:4, 8, 10, 20; 297:6; 301:17, 21; 302:2; 376:10; 378:11, 17; 379:5

**Gilbert's** 295:2; 378:16, 20

**Gilly** 4:20; 23:16; 106:4

**given** 18:21; 83:4; 124:5; 126:14; 211:17, 21; 221:19; 233:19; 235:13; 246:15; 251:13; 299:9; 301:11, 20; 349:18; 370:17

**giving** 182:17; 230:15

**goes** 80:11; 95:10; 127:9, 9; 149:22; 163:24; 171:4, 11; 176:10; 327:4, 7; 339:9; 358:9, 11

**goings** 278:21

**Good** 6:15; 80:15; 82:8; 83:14; 108:17; 110:4;

127:20; 171:13; 200:6; 227:8; 231:15; 305:3; 366:23

**GOODSTADT** 4:19, 20; 6:4, 6, 12; 11:17; 13:3, 7, 14; 17:14, 23; 18:10, 14, 23; 19:17; 20:10, 21; 21:24; 24:22; 25:4, 10; 27:15; 28:2; 29:3, 10, 25; 32:4, 7, 13, 19; 33:21; 34:5, 15; 35:15; 38:7; 41:12, 14; 42:9; 43:3, 19; 44:20; 52:23; 54:13; 55:4; 56:21; 57:15; 58:8; 60:5, 7, 12; 61:5, 10; 62:13, 15; 63:14; 71:3, 5, 15, 19; 72:2, 12, 25; 73:8, 13; 77:9; 79:12; 80:4; 83:13, 17; 84:11; 86:2; 90:20; 91:24; 94:25; 97:4, 22; 101:14; 102:8, 18; 103:5, 19; 104:9; 105:5, 8, 10, 11, 12, 19; 107:12, 23; 109:19, 21; 110:10; 112:6; 113:9; 115:4, 9; 116:12, 22; 118:24; 120:19, 21; 121:21; 122:5, 17; 123:11; 129:11, 15, 19; 132:11, 15, 25; 133:13; 134:14, 20; 135:9, 18, 24; 137:12, 17; 141:17; 145:9; 146:12; 147:4, 18; 148:14, 22; 152:12; 153:4; 155:9, 22; 156:3, 14, 21; 157:8; 159:15; 163:12; 164:9; 165:5; 167:16; 168:10, 13; 169:2; 170:23; 180:2, 6, 10, 15, 22; 181:9; 188:19; 191:7, 18; 198:3, 15; 202:20, 24; 203:4; 204:13, 19, 24; 206:12, 19; 207:6, 22; 211:19; 212:3, 6; 213:17; 214:12; 215:21; 219:20; 220:9; 222:7, 16; 223:8, 22; 224:13, 25; 226:6, 25; 229:7, 12; 231:17; 232:4; 233:14; 235:18; 238:16; 241:22; 242:20; 243:10, 21; 245:2, 24; 246:2; 247:10, 22; 248:17; 249:7, 10, 15, 24; 250:9, 14, 23; 253:17, 24; 254:14; 255:16, 23; 257:2; 258:17; 259:6; 261:14; 264:5, 10, 15, 21; 265:6, 15, 20; 274:18, 21; 276:13; 277:20; 279:21; 288:25; 290:21; 291:16; 296:11; 297:9; 298:23; 299:4, 15; 301:9; 305:8; 306:23; 308:12; 310:20; 311:3, 10; 312:3, 6; 314:9; 320:20; 329:18; 336:3; 357:22; 364:2; 374:5; 375:20; 376:13, 24; 377:13, 23; 378:5, 23; 379:6, 9, 17

**Goodstadt's** 103:16; 104:7, 16; 105:13, 18, 22; 109:20; 110:5, 9, 14, 16; 202:17

**Google** 105:24; 106:15,

18

**govern** 6:7, 7

**grade** 375:19

**graduated** 31:14; 368:13

**Grand** 99:21, 22, 24; 100:2, 12; 293:25; 297:19

**Gray** 149:6, 7; 150:18; 153:21; 284:11, 14, 22, 24; 285:3, 18; 286:8, 13

**Gray's** 285:5

**Great** 13:14; 162:6; 171:6, 12; 306:25; 354:6, 10

**Greg** 160:22; 161:2, 23; 163:4, 10; 171:15, 16; 172:20; 199:14, 14; 208:8; 212:7, 25; 223:13; 257:9; 260:9

**Grosse** 182:7, 25

**group** 241:15; 345:17, 17; 376:16

**growth** 70:24; 97:24

**guard** 15:25

**guess** 102:24; 114:18; 135:14, 15; 254:25; 279:18; 311:23, 24; 350:7

**guy** 30:4; 148:11; 151:9; 171:15; 225:12; 262:5, 8, 10, 22; 263:15; 264:23; 295:5; 315:13

**guys** 37:20, 22; 38:15; 39:14; 51:20, 25; 52:3, 3; 122:6, 9, 10; 131:20; 150:20; 151:6, 13, 22, 24; 157:4; 162:7; 172:22; 175:7; 208:9; 209:10, 19, 25; 210:7, 15; 211:25; 231:5, 7; 290:4; 321:3; 322:14; 323:17, 21; 324:10; 325:15; 327:9; 346:20; 352:18; 355:14; 362:12; 372:24; 373:5; 374:24

## H

**hair** 98:2, 4, 7, 9, 14, 15, 17, 20, 24; 100:17; 102:5, 12, 16, 23; 103:7, 12

**hairline** 100:22

**half** 52:5, 11; 58:4, 12; 59:19; 60:15; 84:25; 96:13, 18; 113:17; 114:22; 115:16, 20; 174:24; 215:9; 288:15; 322:17

**Halloween** 16:23; 17:3; 87:6; 131:11; 166:25; 167:4, 21; 168:4; 209:13, 17; 277:19; 356:4, 8, 16; 357:7; 358:20; 360:6

**hand** 64:3; 142:25; 293:3

**handed** 55:19; 117:2

**handling** 370:5

**hands** 57:20; 58:2; 59:21; 280:16, 23; 281:9, 19; 282:23; 342:8

**handwriting** 182:12

**handwritten** 289:10

**hang** 122:7

**hanging** 146:7; 282:3

**Hank** 52:2, 6; 67:16, 17

**happen** 209:5; 275:18; 276:5; 331:25

**happened** 112:2; 157:5; 180:20; 211:22; 246:17; 275:21, 25; 276:11; 292:12; 293:20; 331:24; 336:20; 348:16; 359:21; 364:12

**happening** 184:11

**happens** 327:8

**harassing** 249:16, 25

**hard** 78:10

**hardcopy** 371:17; 372:3

**Hardman** 16:23; 74:16; 157:23; 166:22; 167:7, 10; 168:15; 297:12; 325:18; 326:7; 373:8

**Hardman's** 137:24; 138:18; 139:2; 157:11

**harm** 70:23; 93:23, 25; 94:9; 95:16

**Hartman** 167:15

**Haven** 14:4

**head** 89:11, 21, 22; 90:7, 12, 19; 102:13, 17; 103:7

**headache** 94:12

**headaches** 96:4, 7

**health** 91:8; 92:15; 93:5

**hear** 352:12

**heard** 71:24; 77:17; 110:24; 139:23; 140:8; 209:23; 210:2; 211:13; 219:9; 352:9

**hearing** 19:2; 75:4

**heart** 94:11, 14, 24; 95:5, 14

**held** 258:23; 358:6

**help** 110:6; 363:24

**helped** 251:21; 353:21; 354:14

**helping** 362:12

**here's** 58:7

**herein** 302:25; 307:2

**hereinafter** 303:2

**herself** 182:25

**hesitant** 187:8

**Hesse** 5:8; 16:7, 19; 18:3, 19; 19:5, 8, 14, 23; 20:7, 17, 25; 21:6; 22:5; 26:8; 33:6; 35:25; 36:10, 12, 16; 37:3, 14, 18; 38:12; 39:4, 10; 40:3, 13, 22; 41:5, 23; 42:4, 21; 45:6, 23; 46:15, 21; 47:6, 19; 48:5, 9, 12, 16, 21; 49:5, 17, 25; 50:5, 23; 51:5, 16; 52:10, 25; 53:16, 24; 55:10; 58:11, 21; 59:5, 8, 13, 25; 60:8; 61:8, 16; 62:10, 20; 63:8, 21, 23; 64:5, 6, 9, 12, 25;

66:7, 13; 67:15; 69:2, 17, 23; 88:9, 13, 20; 99:25; 120:7, 12; 122:20; 124:21; 127:14, 21; 128:9, 10, 13; 129:10, 12, 18; 130:22; 131:2, 133:12; 134:8, 17; 135:7, 16, 22; 136:2, 8, 12, 15, 20; 137:6, 9, 15; 138:17, 24; 139:16, 17, 21; 140:4; 147:14; 148:8, 10; 150:15; 151:19, 25; 152:6, 9, 16; 153:2, 5; 154:5, 18; 155:5, 25; 156:12; 157:11, 12, 16; 158:5, 18, 20; 159:2, 11, 17, 20, 23; 160:5, 9, 13, 15, 17, 19; 163:3, 9, 21, 24; 164:14; 166:2, 24; 167:2; 168:3, 17, 20; 169:3, 7; 173:24; 176:5, 18; 177:24; 178:14, 20; 179:12; 180:8, 13, 18; 194:16; 195:5, 16; 198:21; 199:10; 202:19; 203:17, 20, 22; 204:3, 9, 17, 22; 207:13; 212:12, 16, 17, 19, 23, 25; 213:3, 6, 11; 214:3, 9, 18, 19; 216:11, 16, 22; 219:19, 24; 220:7, 17; 222:22; 223:6, 11; 226:8; 227:4, 7, 14; 228:21, 25; 229:6, 18; 230:5; 232:22; 235:10; 238:20; 239:2, 3; 252:7, 25; 253:19; 256:16; 260:12; 264:19; 265:18; 270:13, 14, 15, 21, 22, 24; 272:11, 13; 277:24; 282:10, 19; 283:3; 284:13; 287:19; 288:19, 23; 291:5, 14, 22; 302:17, 19; 303:3, 11, 16, 18; 304:11, 17; 305:5; 306:13, 19; 307:2, 14; 308:9, 21; 310:8, 23; 311:6, 9, 12, 12, 18; 313:18, 25; 314:6, 12, 23; 315:2, 24; 316:2, 6, 8, 23; 317:2, 3, 13, 17; 318:5, 7, 10, 13; 319:2, 21, 25; 320:16; 321:6, 11; 322:6, 10, 19, 23; 323:7, 7, 25; 324:23; 325:2, 7; 326:19, 24; 327:14; 328:2; 329:13; 331:18; 332:14, 17; 334:8, 12; 335:22; 336:4, 14; 337:6, 13; 338:16; 339:3; 341:7, 13, 23; 343:9, 17, 22; 344:2, 5, 24; 345:22; 346:6, 7, 10, 13, 15, 17; 347:19, 23; 348:2; 352:7, 12, 21; 353:11; 355:7, 9, 15, 18; 357:12, 20; 358:4, 23; 359:3, 10, 24; 360:5, 13; 361:7, 15, 20; 362:12; 363:11, 13, 16, 20, 23; 364:4, 9; 372:7, 10; 373:19, 24

**Hesse's** 40:4, 7, 20; 41:9; 42:8; 125:3; 133:9; 214:4; 215:19; 251:20; 260:23; 261:3; 278:5, 14; 317:22; 328:14; 329:15; 341:10, 15; 360:24; 374:6

Hey 262:6  
 Hi 76:4; 80:10, 12  
 hid 179:18; 180:7  
 hiding 179:23, 25; 180:5  
 highest 302:8  
 highly 162:7  
 himself 87:10; 160:17;  
 304:15  
 hire 33:11  
 hired 307:18, 21; 308:22  
 hires 308:25  
 hiring 109:18; 175:25;  
 188:17, 22; 303:7; 307:3,  
 10, 15, 23; 308:10  
 histories 29:9  
 history 93:10; 103:6  
 hit 295:12  
 hold 12:9; 186:14;  
 202:24; 203:3; 209:7;  
 218:21; 254:9, 13  
 home 56:13; 58:25;  
 101:23; 290:12; 319:16;  
 323:19  
 honest 121:25; 292:24;  
 299:16, 18, 24  
 hopefully 202:23; 374:22  
 hoping 252:10  
 host 264:18; 265:17  
 hostile 58:17  
 hour 174:24; 288:15  
 hours 28:11, 15; 29:7;  
 30:9, 10; 54:24; 62:22, 23;  
 89:14, 15; 114:18, 21;  
 115:11, 13, 17, 19, 24, 25;  
 116:15; 117:3; 118:3, 6;  
 128:11; 225:13; 320:14;  
 322:18; 337:11  
 house 149:7; 150:2, 18;  
 153:21; 155:16; 225:14;  
 262:17; 281:25; 282:6;  
 283:14; 286:12; 293:21  
 How's 76:5  
 hung 21:10; 218:19  
 hurt 253:23

## I

Iacopelli 149:20; 194:18;  
 280:9; 283:12  
 ID 337:3  
 ID'd 87:10; 337:2  
 idea 263:20; 290:9  
 identification 22:13;  
 99:9; 120:4; 124:17;  
 162:21; 181:17; 200:18;  
 266:2; 267:4; 269:2  
 identified 76:22; 77:4;  
 78:15; 99:3; 130:12;  
 134:6, 19; 266:4; 267:7  
 identifies 216:16, 21  
 identify 76:25  
 identity 85:19; 87:24  
 ignored 50:8; 58:4;  
 314:15, 18, 19; 324:5

ignoring 58:13  
 illegal 262:17  
 illegally 94:21  
 immediately 80:7;  
 150:15; 295:18, 20  
 impairment 70:23; 97:24  
 important 10:8, 10, 11;  
 205:23, 24; 206:3, 9  
 inaccurate 24:20; 25:3,  
 12; 205:25; 206:18  
 incapable 220:6  
 incidences 211:21;  
 337:25; 344:20  
 incident 16:16, 23; 17:3;  
 53:24; 62:25; 63:6; 77:12,  
 19, 20; 80:3; 103:18;  
 130:13; 131:11; 147:22,  
 25; 148:13; 149:5; 155:2;  
 156:2, 8, 15, 24; 157:5;  
 166:25; 167:4, 22; 168:5;  
 209:15; 241:3; 245:5;  
 273:22; 275:19; 276:2, 12,  
 15; 277:13, 19, 22; 279:14;  
 280:7, 17, 20, 24; 281:14;  
 285:17; 286:21; 294:6, 15,  
 16; 295:20; 297:6; 301:25;  
 328:9; 336:19; 337:19, 20;  
 341:18; 344:22, 23; 348:9,  
 12; 354:18; 356:4, 8, 16,  
 21; 357:7; 358:3, 20;  
 360:6; 376:11; 378:11  
 incidents 292:11;  
 341:12; 344:20; 377:12  
 include 182:23  
 included 376:16  
 includes 259:8  
 including 26:7; 70:15,  
 16; 303:5  
 income 70:18  
 inconsistency 121:20  
 Incorporated 4:6  
 incurred 71:7  
 independent 310:25  
 indicate 44:25; 112:9  
 indicated 5:9; 45:17;  
 73:8; 207:19  
 indicates 158:4  
 Indicating 37:6; 56:7;  
 117:8, 24; 143:8; 215:10;  
 226:15; 239:21; 240:3;  
 252:2  
 individual 4:25; 12:13,  
 16, 19; 13:17, 20; 76:23;  
 282:12, 15  
 individually 82:5  
 individuals 145:8; 203:9;  
 275:24; 281:23; 282:5;  
 315:4; 342:11, 16, 17, 20;  
 375:24  
 inebriation 59:4  
 inexorably 302:10  
 inflated 231:9, 11  
 information 8:7; 92:3;  
 149:11; 158:3; 181:3;  
 207:9; 208:4, 5, 7; 256:16;  
 263:4, 21; 264:24; 283:16,

17; 357:6; 379:4  
 initial 235:8  
 initiated 174:5; 176:3;  
 219:5, 15  
 injuries 70:10, 15, 24;  
 72:19; 96:21; 97:3, 17, 21  
 inquire 48:12, 16; 185:9;  
 192:8; 194:2, 10; 201:2, 6,  
 19; 225:3; 226:12; 256:6,  
 10; 359:10  
 inquired 183:10, 13, 21,  
 23; 184:3; 191:15  
 inquiring 193:21; 370:16  
 INSERT 105:6  
 inserted 257:15  
 inside 52:18; 63:16;  
 295:4, 11, 11; 337:13  
 instance 67:17; 140:2, 6;  
 337:8; 338:10; 350:3;  
 352:6  
 instances 340:4; 343:5,  
 8; 350:4  
 instead 14:24; 203:11  
 instruct 25:5; 331:19;  
 335:22; 336:14, 17  
 instructed 336:5; 337:6;  
 338:2  
 instructing 71:18, 19;  
 249:11  
 instruction 377:14;  
 379:7  
 instructs 7:5  
 integrity 302:7  
 interacting 343:5  
 interest 209:4  
 interested 291:10; 366:2  
 interesting 83:16  
 interfere 89:24  
 interfered 39:24; 89:5, 8  
 internal 117:11; 120:2,  
 11; 123:17; 124:15; 150:5;  
 172:10; 224:15; 283:25;  
 284:4, 6; 358:18  
 internet 129:5; 199:6  
 interpretation 41:9  
 interview 149:19;  
 172:22, 22; 173:14, 17;  
 175:12; 260:8  
 interviewers 92:22  
 interviewing 149:4;  
 297:11  
 interviews 92:18, 19  
 into 16:3; 46:3; 49:2, 23;  
 50:2; 57:2; 59:17; 71:13;  
 74:25; 125:18; 127:5;  
 160:23; 172:23; 173:7;  
 175:18; 176:14; 188:4, 11;  
 190:25; 215:9; 227:10;  
 258:10; 261:5; 286:6;  
 292:13; 294:17; 295:19;  
 317:4, 7, 8, 11; 318:24;  
 325:4; 326:7; 332:5;  
 354:6, 10; 356:8; 363:10;  
 375:7; 378:20  
 intoxicated 313:21;

323:10  
 introduce 4:18  
 investigate 276:24;  
 356:20, 24; 357:2  
 investigating 273:8, 20  
 investigation 93:19;  
 172:10; 173:7; 175:17;  
 176:14; 313:4; 356:8  
 investigations 373:7  
 investigative 356:15  
 investigator 149:20;  
 364:19  
 investigators 376:8  
 invite 6:19  
 invited 281:25  
 involved 105:23; 111:25;  
 126:2, 5; 134:9, 10, 11;  
 145:15; 155:2; 163:25;  
 164:11, 12, 16, 18; 209:23;  
 273:4; 313:13; 341:12;  
 344:24; 356:14  
 involvement 176:23;  
 177:2; 278:5; 345:8;  
 357:9; 364:8  
 involving 80:3; 137:7;  
 261:20; 297:6; 301:16, 21;  
 302:2; 313:12; 337:19, 21;  
 344:21, 22; 378:17  
 Iraq 52:2, 7, 12; 53:9; 56:3  
 Island 16:21; 66:13;  
 106:2; 138:12, 14; 171:20,  
 25; 172:3, 7; 360:21;  
 367:9, 17, 19; 368:19, 19;  
 374:11, 16  
 Islip 12:7, 9; 14:14; 75:6;  
 82:13; 89:14; 93:18;  
 109:2; 142:6; 151:6;  
 159:8; 163:17; 183:7, 8,  
 16; 184:14, 15, 19; 186:9,  
 22; 188:22; 193:20;  
 194:14, 18; 195:14, 19;  
 196:4; 197:22; 198:10;  
 201:23; 207:12; 214:23;  
 217:4, 21; 219:10; 220:7;  
 222:5, 13; 223:21; 229:6;  
 236:16, 24; 248:20; 249:2,  
 5; 250:25; 251:14; 256:19;  
 259:12, 18, 22; 260:6;  
 261:6; 272:24; 290:6;  
 304:24; 313:14; 375:16,  
 25; 376:6  
 Islip's 247:8  
 isolated 294:10  
 issue 58:5; 158:17;  
 222:11; 335:23; 336:5, 15,  
 18; 337:6; 338:2; 339:21  
 issued 203:8  
 issues 90:24; 245:9;  
 272:15, 19; 303:9  
 Items 70:9; 72:18

## J

J 270:2  
 jacket 257:23, 25; 258:5,  
 11, 16; 259:7, 12, 18, 23;

260:22; 261:5  
 jail 214:24; 216:4  
 January 14:16; 122:22;  
 123:3, 21; 124:16, 22;  
 125:21; 127:21; 189:19;  
 190:14; 217:14; 368:3  
 jeopardy 62:6  
 Jimmy 55:10, 13; 337:9,  
 15, 15; 348:8, 20; 353:2  
 job 12:8, 10; 15:5, 6, 9,  
 12; 89:6, 9, 20, 20, 25;  
 91:7, 22; 107:19; 108:2,  
 10; 118:19; 119:17;  
 131:13; 149:21; 150:8, 13;  
 159:3, 21, 25; 160:6, 10,  
 16, 20; 161:4; 164:24, 24;  
 169:9; 172:7; 175:11;  
 200:2, 11; 214:19; 230:14;  
 234:19, 23; 235:7; 236:23;  
 239:13, 17, 23; 240:4;  
 243:23, 25; 244:25;  
 252:16, 17; 304:22  
 jobs 106:25; 107:10, 15,  
 16; 181:6; 243:20  
 Joe 44:21; 80:18; 227:7;  
 267:25; 292:8; 303:25;  
 304:3, 5, 8; 349:6  
 John 74:15; 78:19, 21;  
 79:25; 80:9, 13, 22, 24;  
 81:5, 10; 321:4  
 join 55:16  
 joined 55:15  
 joint 304:18, 19  
 Joseph 81:23  
 July 321:16, 16; 325:13;  
 326:14, 22; 338:13;  
 343:14  
 June 23:23; 79:5, 7, 16,  
 21; 96:25; 97:20; 103:22,  
 25; 104:3, 4, 6; 105:16;  
 139:24; 141:19; 145:16;  
 240:9, 10, 11, 20; 320:23;  
 368:3  
 jurat 379:20  
 jury 99:21, 22, 24; 100:2,  
 12; 293:25; 297:19

## K

Kansas 6:2  
 keep 80:17; 108:15;  
 109:4, 13, 16; 128:17, 18;  
 151:20; 298:21; 299:13;  
 307:7; 355:16  
 Ken 4:22; 6:16; 26:14;  
 284:10, 14, 22, 24; 285:3,  
 5, 18; 286:8, 13; 325:23  
 Kenneth 30:5  
 kept 75:3, 7; 108:12, 23;  
 109:7  
 Kevin 9:2, 3; 80:17;  
 107:3; 108:3, 3, 13, 13, 16,  
 17, 24, 25; 110:2; 139:22;  
 140:17; 141:22; 266:10;  
 321:4; 378:14  
 keys 324:10



kicked 295:8  
kid 339:15  
kids 342:10  
kinder 360:14  
Kismet 326:3; 367:11  
knew 10:18; 136:24;  
204:7; 227:9; 230:15;  
245:8, 9; 277:12; 279:9;  
10; 280:14; 285:13;  
295:21; 327:5; 342:20  
knocked 342:5  
knocking 362:20  
knots 358:12; 359:16  
knowing 123:20; 233:2  
knowledge 17:10; 27:6;  
7; 33:13; 34:25; 35:3;  
40:15; 46:13; 48:20, 21;  
49:8; 57:8; 87:15, 18, 23;  
88:18, 19; 92:10, 10, 11;  
97:23; 106:5; 110:8;  
115:5, 23; 116:23; 117:17;  
120:17; 121:23; 126:4;  
130:24; 139:15; 142:4;  
152:13, 14, 17, 20, 21;  
164:7; 175:12; 176:22;  
177:8, 13, 15; 181:22;  
182:3, 6, 22; 197:7;  
199:19, 25; 201:25;  
212:12; 226:2, 21; 228:10;  
230:13; 241:18; 242:9;  
251:2; 254:19; 258:13;  
259:10, 21; 270:17; 271:4;  
287:22; 290:15; 298:2;  
301:7, 20; 302:3; 310:13;  
311:2; 349:3, 7; 351:7, 14;  
353:16, 20; 354:12, 21;  
356:18; 360:23; 365:16;  
366:11; 372:6; 375:18  
known 192:19; 197:25;  
218:12; 235:22; 245:14;  
262:23; 278:6  
KT215@aol.com 266:8

## L

labeled 21:17; 150:23;  
205:8; 342:7  
Labor 51:11, 12; 57:6;  
62:25; 63:6, 22; 64:22;  
68:6; 69:3; 114:12, 19;  
115:2; 116:7, 10; 117:18,  
20; 127:5; 322:9  
lack 59:4; 88:24; 90:24  
Lamm 9:2, 4; 10:14, 25;  
11:6; 107:4; 108:2, 7, 10,  
24; 109:11; 139:22; 140:3,  
9, 22, 25; 141:5, 10, 12,  
18, 24; 142:3, 6, 9, 15, 19,  
24; 143:19; 144:2, 5, 9, 14,  
25; 145:6, 13, 17, 22;  
146:10, 16, 18, 21; 147:2,  
13; 178:23; 266:10  
last 6:11; 8:17; 11:9;  
17:25; 31:2; 78:21; 85:5;  
98:13; 115:18; 127:11;  
184:2, 21; 192:13, 20;  
193:15, 25; 194:9; 201:9;

203:5; 272:22; 298:6, 8,  
11, 15; 302:5; 309:10;  
327:24; 370:17  
lasted 288:16  
late 79:2; 108:9; 285:5  
later 16:12, 20; 21:12;  
52:15, 15; 55:5, 7; 57:21;  
139:24; 143:17; 145:4;  
147:5; 149:16, 17; 151:15,  
16; 165:21; 289:10;  
314:25  
latter 105:15; 107:24;  
316:7  
laughed 40:5; 58:3;  
225:11; 373:10  
law 23:20; 103:16; 104:7,  
16; 105:13, 18, 22, 23;  
106:10; 109:19, 20, 22, 23;  
110:5, 9, 14, 16; 114:17;  
172:20; 202:17; 240:4;  
244:24; 246:25; 247:4, 8;  
248:4, 10; 253:20; 273:7;  
341:9, 10, 14; 345:2  
Laws 200:4; 309:16  
lawsuit 8:14; 45:4; 82:15,  
20; 86:4; 129:8; 197:6, 25;  
198:4, 6, 11, 14; 206:13;  
258:16; 259:23; 300:7, 8;  
315:17; 365:19; 366:9;  
377:5  
lawyer 23:19; 72:6;  
226:20; 258:14; 365:20,  
23, 25; 366:3; 374:6;  
377:2; 378:7; 379:10  
lawyers 24:4, 9, 21, 25;  
105:23, 25; 106:7; 366:6;  
376:25  
laying 293:25; 342:8  
leads 203:23  
learn 35:13; 105:13, 17;  
121:9; 144:14, 21, 24;  
145:13; 375:23  
learned 139:25; 140:7  
least 79:5; 96:11; 220:18;  
221:16; 241:12; 252:9;  
350:12; 363:6  
leave 45:12; 104:18, 24;  
121:8, 10; 127:2; 128:15;  
193:9; 321:3; 324:16, 18  
leaving 38:10, 15; 52:7;  
218:18; 315:12; 316:13,  
16; 321:18; 322:17;  
324:14; 327:9; 328:25;  
330:22  
led 92:23  
left 84:3; 102:13; 125:2;  
133:20; 138:12; 161:16;  
193:7; 311:20; 313:19;  
331:21; 354:3; 362:11  
legal 4:14; 23:10; 32:8;  
61:14, 15; 70:18; 71:2;  
72:4, 8, 19, 21; 73:9;  
376:14; 377:2, 25; 379:11  
legitimate 222:15; 224:5;  
240:15, 21; 242:19;  
243:14; 244:13; 260:3;  
377:19

less 17:12; 28:11; 112:4,  
9, 13, 18; 113:11, 25  
Leto 4:15  
letter 160:24, 25; 161:2;  
163:15, 22; 200:16, 20, 22;  
201:4; 209:5; 218:14, 21;  
222:18, 23; 223:25; 224:8,  
16, 18, 19; 225:7, 20, 25;  
226:3, 14, 18, 21, 22;  
227:4, 15, 19; 239:20, 22,  
25; 240:2, 5; 251:20, 23,  
25; 252:7; 253:11; 254:11;  
255:4, 9; 256:2, 8; 272:14,  
18; 291:21  
letterhead 253:7  
letters 256:12  
letting 218:18; 348:16  
liar 241:8  
license 101:4, 5, 8, 13,  
21; 337:16; 353:9  
lie 206:4, 6; 232:24;  
236:2; 285:22  
lied 213:6; 231:21, 22;  
232:9, 11, 13, 17; 233:12,  
18; 234:4, 5; 235:12  
lies 241:4  
lieutenant 162:7; 171:12;  
207:11  
life 206:10; 369:3, 4, 6  
light 337:11  
lighthouse 359:18;  
367:9, 10, 13; 374:16  
lights 285:6; 351:25  
likely 241:6  
Likewise 8:6  
limit 58:24  
limited 26:7; 70:15, 17  
limiting 350:19  
line 98:15; 100:17; 307:8  
lines 25:20, 21; 179:7  
liquor 52:19; 342:8  
List 181:16, 25; 184:4;  
190:4, 7; 191:21; 192:7;  
201:10, 14, 17; 370:18  
Listen 127:9; 150:13;  
226:22; 262:24; 290:11  
lists 190:10  
little 10:19; 23:3; 75:15;  
77:15; 103:3, 4; 113:10,  
11; 143:10; 149:16;  
182:24; 288:16  
living 284:21  
LLP 23:16  
local 6:7; 302:12; 330:16;  
331:14; 333:11; 334:4;  
335:4; 341:2; 360:20;  
368:18, 22  
location 14:8  
lock 295:14, 15  
locked 295:14; 296:8  
locker 131:20; 208:8;  
209:9, 10, 20, 25; 210:7,  
16; 211:25  
locking 296:10, 13  
Loeffler 4:25; 44:17, 17,

22, 25; 47:13; 50:16; 69:7;  
74:16; 81:19, 20, 22, 23;  
82:7, 10; 83:20, 24; 227:8;  
292:6, 7, 9, 18; 304:2, 4, 5,  
8; 328:19; 330:4; 331:4, 4;  
332:25; 333:18; 334:18;  
340:16; 344:7  
Loeffler's 292:8  
Lonelyville 326:9, 10  
Long 16:21; 31:11; 46:19;  
84:22; 104:6; 111:24;  
125:11; 170:7; 171:20, 25;  
172:3, 6; 174:20, 21;  
215:8; 282:4; 288:12, 16  
longer 14:21; 21:2; 22:6;  
74:22, 23; 190:12; 288:16  
look 25:19; 40:9; 93:21;  
96:15; 99:3; 101:12, 18;  
104:25; 111:9; 119:23;  
130:8; 172:23; 188:4, 11;  
190:24; 206:21; 213:24;  
216:24; 229:21; 246:14;  
256:15; 258:4, 10; 259:17;  
261:5, 17; 269:5, 6, 16;  
287:3; 302:4, 21; 309:9,  
10; 313:16; 358:22; 359:2  
looked 16:3; 28:22;  
46:17; 51:21; 75:3; 80:6,  
18; 82:17, 22; 85:6; 102:5;  
151:11; 208:17; 209:15;  
228:5; 245:19; 257:19, 24;  
259:11; 261:13; 262:7, 20,  
21; 263:4, 22; 264:25;  
265:4, 12; 268:21; 285:10;  
289:21, 22; 309:25; 339:9,  
18; 340:2; 358:9; 373:8,  
10, 13  
looking 30:2; 56:10, 18;  
101:11; 106:6, 10; 150:21;  
151:22, 24; 160:23; 178:4;  
266:20; 287:4; 294:19;  
314:8; 336:25; 351:18  
looks 111:12; 149:22  
looseleaf 291:3  
lose 90:9; 150:13  
losing 98:7, 9, 17, 20, 23;  
102:22  
loss 70:17, 21; 73:15, 21;  
74:4, 8; 84:14  
lost 73:19, 22; 74:3, 5, 7;  
75:23; 76:14, 16, 19, 21,  
25; 77:7, 8, 24; 98:2, 4, 8;  
113:19  
lot 103:4; 147:23; 171:6;  
244:7  
luck 171:13  
lunch 372:17; 373:4  
lying 17:22, 24; 18:4;  
180:19; 235:24

## M

Macarthur 171:21, 25;  
172:4, 7  
Maguire's 51:18; 52:17;  
54:18; 55:11, 14; 56:15,  
19; 336:12, 14; 337:9, 21

mail 293:4  
maintain 366:16  
maintenance 303:6  
makes 112:12, 17; 122:3;  
154:5, 11, 14, 16; 254:17;  
320:5  
making 216:3; 352:7;  
358:24  
Malafi 5:4  
malicious 256:17  
man 57:25; 58:3; 59:18  
management 303:4;  
305:6, 19; 306:15, 20  
managerial 304:25  
manifestations 94:7;  
95:15  
manner 44:9  
manpower 172:12  
many 6:24; 10:12; 24:11;  
27:8; 28:23, 24; 30:10;  
36:15; 45:5; 51:7; 57:4;  
62:22, 23; 76:19; 96:6;  
122:9; 133:10; 273:12;  
300:6; 317:25; 318:12;  
323:15; 331:18, 25;  
332:10; 349:9; 351:11, 21;  
362:8; 363:3; 368:10;  
370:10; 376:4  
map 351:18  
March 79:22; 81:15;  
244:23; 267:20  
Marine 325:25; 326:3  
mark 22:10; 25:9; 99:6;  
119:24; 124:13; 162:17;  
181:13; 200:14; 228:14;  
265:22; 267:2; 268:18  
marked 22:12, 16; 25:16;  
99:8, 11; 120:3; 124:16;  
162:19; 181:16; 200:17;  
205:5, 8; 265:24; 267:3;  
268:25  
Market 75:2, 22  
married 369:16  
Marty 183:18; 184:5;  
194:18, 21  
master 46:2; 49:3; 353:22  
masters 139:13  
Mastic 14:5, 8  
matter 4:4; 50:7; 64:25;  
174:25; 177:10, 19; 196:6;  
268:3; 365:19; 372:4;  
377:4; 379:5, 12  
matters 371:11, 20  
may 7:25; 11:24, 24; 14:3,  
4; 19:18, 20; 21:13; 28:6;  
71:23; 88:9; 90:18; 97:7;  
103:25; 105:15; 107:8, 22,  
24; 108:9, 23; 114:8, 10,  
16, 21; 161:8; 163:22;  
171:19; 172:7; 173:2;  
207:4; 217:7; 218:25;  
223:2, 17; 230:21, 25;  
231:15; 232:11, 18, 22;  
233:6; 234:9, 17, 21;  
235:9, 14; 238:11; 239:6;  
291:11; 323:15; 356:13;

360:22; 366:3; 368:15;  
 377:8  
**maybe** 151:8; 170:21;  
 282:8; 300:12; 364:23, 24;  
 370:23  
**Mayor** 41:20; 42:15; 43:9;  
 44:3, 12, 17; 45:2; 47:7;  
 50:13, 14; 69:7, 10, 16;  
 70:6; 226:13, 14; 292:8,  
 19, 22; 308:5; 309:6;  
 328:17; 330:6, 24, 25;  
 333:3, 20; 334:20; 340:18  
**McGuire's** 63:21  
**mean** 15:22; 17:21;  
 20:15; 31:15; 44:17;  
 51:23; 73:16; 77:7, 23;  
 78:6; 93:24; 97:25;  
 103:23; 111:6; 120:25;  
 121:22; 150:4; 153:17;  
 175:23; 201:16; 229:10;  
 235:6; 237:3; 242:2;  
 252:13; 267:11; 275:22;  
 285:12; 300:5; 315:15;  
 316:17, 20; 348:22; 351:8;  
 359:7; 365:22; 376:22  
**meaning** 47:23; 190:9  
**means** 20:15; 26:20;  
 27:24; 82:21; 99:13;  
 115:8; 116:11; 204:5;  
 276:11  
**meant** 137:14; 201:7, 13;  
 203:11; 359:11  
**meantime** 191:20  
**med** 225:13  
**media** 129:5; 196:24;  
 199:7, 9, 12, 12; 272:18;  
 328:24; 330:18; 331:16;  
 333:13; 334:6; 335:6;  
 341:4; 344:17  
**medical** 103:11  
**medication** 89:3  
**meet** 109:18; 110:14;  
 151:5; 174:14, 16, 18;  
 187:5, 13  
**meeting** 16:13; 81:7;  
 88:8; 105:8; 133:15;  
 137:19, 21, 24; 138:6, 10,  
 17, 25; 139:12; 157:24;  
 169:5; 174:21; 175:2, 15;  
 187:9, 13; 192:14, 14;  
 193:4; 217:5; 284:25;  
 289:3, 4, 6, 6, 8, 14, 15;  
 292:18; 293:18; 319:22;  
 361:5, 6, 7, 12  
**meetings** 191:23; 293:14  
**member** 43:12; 47:16;  
 50:20; 226:17; 261:18;  
 282:21; 313:7  
**members** 330:9; 367:18  
**memo** 117:11; 120:6;  
 122:19; 124:20; 200:22;  
 201:4  
**Memorial** 114:25; 117:18  
**men** 118:12; 305:21  
**mental** 70:22; 78:12;  
 91:8; 92:15; 93:5, 22; 94:9;  
 95:16

**mention** 84:13  
**mentioned** 49:21; 76:12,  
 12; 166:3; 197:13, 18;  
 303:2, 2; 307:3; 366:24;  
 368:15  
**mess** 38:5, 6, 10, 16  
**message** 161:16  
**met** 141:21; 174:9, 10, 11;  
 187:15; 285:19; 302:8;  
 309:18  
**Michael** 4:23  
**Mid** 186:19; 189:19, 20;  
 190:14, 15; 191:12; 192:5;  
 193:6; 194:8; 215:14;  
 371:2  
**middle** 25:22; 39:15  
**midnight** 52:4; 89:17, 18;  
 119:13; 122:25; 124:11,  
 12; 319:19; 325:15  
**midnights** 193:13;  
 305:23; 315:13  
**midway** 348:23; 351:20  
**might** 68:19; 231:3;  
 267:25; 276:15; 319:15,  
 16; 359:5  
**Mike** 364:20  
**mind** 263:2  
**mine** 83:15; 287:2;  
 336:19  
**minor** 336:22, 24;  
 339:14; 348:11  
**minors** 344:22; 345:18,  
 19  
**minute** 57:21; 80:11;  
 91:7; 133:20  
**minutes** 63:11; 65:9;  
 144:18; 156:22; 174:24;  
 268:8; 282:7; 295:6;  
 318:20, 21; 364:23  
**mis** 148:12  
**misconduct** 16:22;  
 85:14; 87:7; 131:9;  
 163:19; 164:2, 11, 13, 16,  
 19; 209:3, 14; 356:11  
**misID'd** 147:21, 24; 148:3  
**misidentification**  
 148:20; 153:2; 154:19, 25;  
 155:6, 19; 156:11, 19  
**misidentified** 155:24;  
 156:25; 279:16; 294:7  
**misidentify** 152:6  
**misrepresent** 285:24  
**misstating** 311:4  
**MO** 12:22; 45:14; 113:2;  
 132:3; 137:2; 213:9;  
 225:17; 227:11; 230:18;  
 263:10; 326:16; 362:25  
**Monday** 124:12  
**Mondays** 358:5  
**monetary** 70:16  
**money** 15:3; 72:7; 150:9  
**month** 123:22, 22;  
 343:12, 12, 14  
**months** 103:24; 114:12,  
 24; 144:19; 151:15, 15;

317:5, 10, 11  
**Moran** 139:23, 24; 140:3,  
 10, 11, 19; 142:7, 10, 16,  
 19; 144:5, 15; 145:6;  
 147:13, 14; 361:18, 19  
**Moran's** 361:20  
**more** 15:2; 26:13, 20, 25;  
 27:12, 18; 28:15; 29:7;  
 30:7, 10; 114:18, 18;  
 116:15; 123:22; 151:8;  
 175:25; 183:23; 202:23;  
 216:8; 231:18; 232:3, 7, 7;  
 235:23; 256:24; 275:14;  
 293:23; 346:23  
**Morganier** 182:19, 24;  
 200:2  
**morning** 6:15; 52:15, 16;  
 54:11, 18; 57:5; 119:11,  
 12, 13; 241:11; 294:19;  
 295:19; 315:6; 322:22  
**Moses** 367:12; 374:14  
**most** 76:16; 115:22;  
 118:6; 225:12, 14, 14;  
 241:6; 317:10  
**mostly** 87:5  
**mother** 111:18, 19;  
 112:4; 339:18  
**mother's** 112:13  
**Motion** 12:22; 13:4, 8, 10;  
 113:2; 132:3; 213:9;  
 225:17; 227:11; 230:18;  
 263:10; 326:16; 362:25  
**motioned** 295:14  
**move** 45:15; 71:23; 73:6;  
 137:3  
**moved** 172:16  
**much** 61:7; 70:25; 71:13;  
 72:7; 80:21; 82:23; 98:19;  
 316:14, 17; 318:17; 319:3  
**mud** 326:7  
**mumbled** 373:17  
**must** 23:8; 284:8  
**mustache** 294:8  
**Myself** 28:13; 34:18;  
 39:24; 85:13; 92:21;  
 157:19; 159:9; 161:24;  
 165:19; 174:7; 176:6;  
 305:12; 317:11; 327:17;  
 337:22; 373:17

## N

**name** 4:12; 5:22; 75:20,  
 21, 25; 76:7, 23; 78:21;  
 88:11; 112:24; 171:15;  
 184:21; 197:13, 18;  
 208:23; 215:4; 216:2;  
 366:25; 369:10; 370:2, 4;  
 372:18  
**name's** 87:13  
**named** 262:5  
**natural** 70:24; 97:24  
**nature** 25:19  
**necessarily** 31:15; 38:2;  
 153:25

**necessary** 298:20;  
 299:8, 13  
**need** 7:7; 62:9; 97:19;  
 128:18; 149:25; 150:8, 8,  
 13; 205:6; 226:22; 239:22;  
 240:4; 269:5  
**needed** 20:4; 145:19;  
 160:25; 181:7; 230:11;  
 238:23; 254:2; 350:24  
**needs** 172:11, 19, 23;  
 175:20, 22; 176:14;  
 254:10  
**negative** 207:13; 211:23;  
 215:19; 228:16, 20; 229:3,  
 9, 10, 17, 19; 256:17  
**negligence** 90:2  
**New** 4:9; 5:19; 6:3; 14:24;  
 15:5, 5, 6, 9; 91:17; 93:6,  
 8; 172:17; 185:22; 192:22,  
 24; 283:15, 17  
**News** 197:4, 5, 15, 23;  
 245:14; 264:13; 265:13;  
 328:24; 330:12; 331:9;  
 333:9; 334:2, 24; 340:24;  
 344:15; 360:21; 368:20  
**Newsday** 197:4, 15, 22;  
 198:11; 245:14; 264:8;  
 265:5; 272:14; 328:24;  
 330:14; 331:12; 333:7, 22;  
 335:2; 340:22; 344:13  
**newspaper** 264:8;  
 331:14; 334:4; 335:4;  
 341:2; 360:20; 368:22  
**next** 9:17, 24; 21:11;  
 46:22, 24, 24; 48:14;  
 70:11; 141:9; 150:18;  
 186:8; 189:12; 191:3, 11,  
 13; 227:23; 229:22; 234:8;  
 267:2; 268:18; 270:6;  
 283:6; 284:16; 287:23;  
 293:2, 17; 314:21; 316:5;  
 327:22; 345:4; 346:17;  
 378:19; 379:19  
**Nextel** 141:7; 142:24  
**Nextels** 141:8  
**nice** 325:6  
**night** 29:22, 23; 46:23,  
 24; 52:5; 53:24; 54:9; 58:6;  
 59:18; 61:8; 64:7; 66:19,  
 20; 67:4, 18; 68:5; 84:21;  
 87:6; 89:21; 119:9, 10, 10,  
 11, 12; 124:11, 12; 147:22;  
 148:5, 18; 149:12; 153:6,  
 16, 19; 154:7, 13; 161:6;  
 197:23; 209:13; 264:13;  
 265:13; 275:25; 277:12,  
 13; 280:12, 14; 285:9, 13;  
 294:14, 24; 297:16;  
 299:22; 322:12; 327:12;  
 331:22; 338:25; 355:13;  
 372:14  
**nights** 29:16, 18; 31:19;  
 89:10; 149:15  
**nine** 52:3, 3; 351:24  
**Nofi** 7:8, 10, 12, 15; 8:12,  
 16; 109:14; 110:7, 8, 12,  
 13; 256:2, 7; 267:25; 349:6  
**Nofi's** 7:21; 11:8, 10

**None** 34:7; 67:20, 22, 24;  
 68:2; 77:5; 79:19, 20; 81:6;  
 113:23; 204:20; 205:3;  
 227:17; 229:8; 278:16;  
 301:10  
**nonresponsive** 12:23;  
 326:17  
**Normal** 40:22; 89:14, 15;  
 350:10, 15  
**normally** 118:23; 374:21  
**north** 353:23, 25  
**Notary** 5:18  
**Note** 102:8  
**notes** 278:20, 23, 24;  
 279:3; 289:10; 290:13, 14;  
 291:8  
**Notice** 22:12, 24, 25;  
 23:6, 7, 21; 24:2, 4, 7, 12,  
 15, 25; 25:11, 15; 26:2, 11;  
 35:10; 70:9; 71:6, 10;  
 72:17; 79:5, 8; 81:11;  
 97:12; 103:17; 128:21;  
 198:18, 23; 202:22; 240:8,  
 9, 13; 254:22  
**noticed** 5:10; 316:13  
**notified** 9:16; 24:21;  
 123:21; 284:13, 14;  
 341:20  
**notify** 91:22; 92:4, 16, 25;  
 93:2; 119:17; 284:10;  
 340:6  
**notwithstanding** 267:17  
**November** 79:2; 151:5;  
 254:25, 25; 262:12  
**NOVIKOFF** 4:22, 22; 5:7;  
 6:4, 10, 14, 15, 16; 7:23;  
 12:22; 13:6, 9, 15; 21:25;  
 22:9; 25:8; 28:3; 32:5, 9;  
 33:24; 35:17; 40:25; 41:3;  
 43:20; 44:23; 45:14; 71:5,  
 17, 21; 72:10; 73:3, 14;  
 79:13; 99:2; 101:19, 25;  
 104:23; 109:23; 113:2;  
 119:23; 124:13; 132:3, 17;  
 133:19; 137:2; 158:8;  
 159:16; 162:17; 169:6;  
 181:13; 200:13; 202:5;  
 203:2; 213:9; 225:17;  
 227:11; 230:18; 249:13,  
 22; 250:2; 257:5; 258:19;  
 265:22; 266:25; 268:6, 17;  
 311:8; 326:16; 335:9;  
 362:25; 364:3, 22; 366:19;  
 376:18; 377:15; 378:4, 12,  
 25  
**nowhere** 346:23  
**number** 4:3, 9; 29:14;  
 65:24; 66:4; 70:11, 11;  
 106:23; 108:14; 133:24;  
 134:4, 7; 147:10; 181:25;  
 183:8; 184:10, 13, 16, 18,  
 20; 201:18; 202:10, 14;  
 256:15; 268:11, 15;  
 273:16; 318:3; 332:3;  
 335:12, 16  
**numbered** 268:23  
**numbers** 351:12  
**numerous** 26:6; 313:18;

314:2

**O**

**O'Bannon** 177:7, 10, 19;  
185:7, 8; 193:2, 5, 7, 9

**O-L-E-Y** 78:22

**OB** 75:2, 22; 88:10

**object** 8:9

**objected** 41:3

**Objection** 17:14, 23;  
18:10, 23; 19:17; 20:10,  
21; 21:24; 24:22; 25:4;  
27:15; 28:2; 29:3, 10, 25;  
32:4, 13, 19; 34:5, 15;  
35:15; 38:7; 40:24; 41:2,  
12, 14; 42:9; 43:3, 19;  
52:23; 54:13; 55:4; 56:21;  
57:15; 58:8; 60:5, 7, 12;  
61:5, 10; 62:13, 15; 63:14;  
71:3; 77:9; 79:12; 80:4;  
83:13, 17; 84:11; 86:2;  
90:20; 91:24; 94:25; 97:4,  
22; 101:14, 15; 102:9, 18;  
103:5, 19; 104:9; 105:5,  
19; 107:12, 23; 110:10;  
112:6; 113:9; 115:4, 9;  
116:12, 22; 118:24;  
120:19, 21; 121:21; 122:5,  
17; 123:11; 129:11, 15, 19;  
132:11, 15, 25; 133:13;  
134:14, 20; 135:9, 18, 24;  
137:12, 17; 141:17; 145:9;  
146:12; 147:4, 18; 148:14,  
22; 152:12; 153:4; 155:9,  
22; 156:3, 14, 21; 157:8;  
158:2; 159:15; 163:12;  
164:9; 165:5; 167:16;  
168:10, 13; 180:2, 6, 10,  
15, 22; 181:9; 188:19;  
191:7, 18; 198:3, 15;  
202:20; 204:13, 19, 24;  
206:12, 19; 207:6, 22;  
211:19; 212:3, 6; 213:8,  
17; 214:12; 215:21;  
219:20; 220:9; 222:7, 16;  
223:8, 22; 224:13, 25;  
226:6, 25; 229:7, 12;  
231:17; 232:4; 233:14;  
235:18; 238:16; 241:22;  
242:20; 243:10, 21; 245:2,  
24; 246:2; 247:10, 22;  
248:17; 249:7, 10; 250:9,  
14, 23; 253:17, 24; 254:14;  
255:16, 23; 257:2; 259:6;  
261:14; 264:5, 10, 15, 21;  
265:6, 15, 20; 274:18, 21;  
276:13; 277:20; 279:21;  
288:25; 290:21; 291:16;  
296:11; 297:9; 298:23;  
299:4, 15; 301:9; 305:8;  
306:23; 308:12; 311:3, 4;  
312:3, 6; 320:20; 329:18;  
336:3; 364:2; 375:20;  
376:13; 377:13, 16

**OBPD** 229:25; 252:6;  
303:5; 305:7; 309:13;  
312:25

**observed** 372:7, 9

**obtain** 229:24; 251:5, 24;  
252:5  
**obtaining** 200:8  
**Obviously** 7:5; 73:18;  
97:11; 213:7; 254:3;  
282:23  
**occasion** 46:11; 128:5;  
130:3; 141:19; 144:8;  
183:24; 192:6; 341:22;  
343:9, 11; 345:15; 370:8  
**occasions** 24:11; 88:25;  
89:20; 90:11, 18; 232:10,  
12; 233:13, 19; 313:18;  
314:2; 317:25; 370:10, 14  
**occurred** 281:14;  
285:17; 358:4  
**Ocean** 4:6; 14:21; 16:8,  
17; 17:19; 21:3; 22:7;  
26:23; 27:13; 29:7, 21;  
30:8, 15, 17; 31:3, 6, 16,  
17, 18; 46:8; 54:22; 55:24;  
66:7, 23; 67:5, 12; 68:12,  
18; 69:16; 74:11; 76:11,  
15; 77:2; 79:10, 16, 23;  
81:16; 83:21; 84:9; 93:18;  
100:10; 113:21; 114:5;  
116:17; 117:23; 118:25;  
119:17, 19; 123:7; 124:25;  
126:14, 22; 131:25; 136:4;  
154:21; 159:14, 19, 25;  
179:7; 195:9; 198:2, 14;  
203:10; 206:14; 208:10;  
209:6, 17, 24; 211:22;  
218:15; 224:9; 226:2, 3, 4,  
8, 22, 23; 227:5, 15;  
237:15, 17, 22; 238:8;  
239:21; 240:2, 14; 242:16;  
245:9, 15, 22; 246:7;  
247:6; 251:6, 11, 17;  
253:2, 5, 20; 254:3, 20;  
261:20; 262:7, 21; 263:6,  
8, 13, 18, 24; 269:10;  
271:17; 277:9, 10; 280:5;  
290:16; 301:16; 305:17,  
20; 306:15, 21; 307:15;  
308:10; 309:13; 310:6, 7,  
9, 10; 313:6, 13; 341:16;  
351:18; 362:21; 367:10;  
368:5; 370:5; 371:11, 19;  
374:10  
**October** 227:24; 295:25  
**off** 9:18, 20, 21, 22, 25;  
10:22; 19:4; 30:10; 33:2;  
35:14, 16; 40:5; 43:17;  
51:19, 24; 52:21; 53:4, 7,  
14, 17; 55:22; 56:3, 11;  
60:16; 61:11; 65:12, 25;  
66:23; 67:9, 12, 16; 68:5,  
11; 80:21; 82:12; 116:2, 3;  
119:3, 4, 16, 16; 123:8;  
124:9; 133:25; 158:12;  
163:3; 176:21; 194:21;  
196:11; 202:11; 208:14;  
215:6; 218:8; 258:19, 22,  
23; 268:12; 285:4; 293:5,  
15; 308:25; 314:20; 317:7,  
8; 319:18, 20, 21; 320:8,  
12, 13; 321:21; 327:10;  
335:13; 346:7, 15; 348:15;  
349:23; 353:9; 355:10;

365:2; 367:12, 12  
**offensive** 61:22  
**offered** 131:22; 200:2, 3,  
10  
**office** 16:15; 138:5;  
148:5, 7, 12; 149:3, 23;  
150:22; 151:10, 18; 152:5;  
153:20; 155:16; 157:3;  
196:23; 203:10; 214:23;  
215:10, 19; 216:3; 250:19;  
274:10, 16; 275:13; 284:8;  
288:11; 290:8; 369:21  
**officer** 54:6; 56:2; 60:4,  
11; 66:22; 67:8, 9, 12;  
68:4, 11; 76:10; 79:10, 15,  
18, 23; 83:21; 85:13;  
91:17; 114:9; 118:14;  
153:6; 172:21; 237:15, 21;  
253:20; 262:23; 295:3;  
325:14; 327:5; 350:15;  
351:13; 362:16; 375:8  
**officer's** 287:7  
**officers** 26:7, 11, 13, 20;  
33:4; 35:7, 9; 36:3; 38:9,  
20; 43:16, 24; 44:10; 45:6,  
12; 46:8; 47:20, 22; 49:16,  
18; 50:24; 51:5; 52:18;  
53:11; 54:12, 19; 55:7, 9,  
12; 56:10, 15; 58:5, 13;  
59:19; 61:2, 23; 62:21;  
63:9, 24; 64:2; 65:2; 67:3,  
5; 69:23; 76:11; 77:3, 6,  
25; 78:14; 81:16; 88:13;  
100:3; 113:19; 118:15;  
137:19, 21; 138:3; 139:11;  
247:17, 20; 249:5; 250:6,  
17; 262:19, 23; 263:4, 11,  
22; 271:12; 287:2; 291:23,  
23; 292:11; 302:10;  
305:12, 13; 313:21; 315:8,  
8, 11, 13; 316:21, 22, 25;  
317:16; 318:8, 14; 319:3,  
5, 12; 320:2, 7, 18; 321:13;  
323:9; 324:20, 21, 24;  
326:21; 327:16; 328:3;  
329:16; 331:20; 336:2;  
342:25; 343:2, 22; 346:21;  
347:24; 349:2, 18; 350:11;  
362:4, 21; 363:4, 25;  
364:6, 10; 367:18; 368:5;  
372:13, 25; 374:10; 375:5,  
11  
**offices** 294:5  
**official** 16:22; 85:14;  
87:6; 131:9; 163:19;  
209:2, 14; 224:15, 18, 22;  
226:23; 245:4; 253:7;  
273:8; 303:3; 306:14;  
308:9; 356:11  
**officials** 256:18, 22, 24;  
257:8  
**often** 67:11  
**old** 98:5, 10; 113:15;  
127:8; 192:25  
**older** 74:20  
**Oley** 74:15; 78:19, 21;  
79:25; 80:3, 5; 81:10;  
83:25  
**Once** 67:14; 261:4; 326:6

**one** 4:3; 21:8, 11, 16;  
24:14; 46:2; 51:8, 19, 24,  
25; 55:5, 24; 59:2; 60:9;  
62:24; 63:6; 64:6, 21;  
65:24; 71:22; 74:25;  
76:13, 22; 82:8; 85:2, 7;  
88:10; 97:16; 106:2;  
107:18; 108:13; 110:2, 2,  
5; 117:7; 126:24; 133:7,  
14, 20; 134:9, 10, 10;  
140:2; 141:7; 142:25;  
143:8; 145:15; 155:17;  
160:13; 166:15; 167:8;  
169:14; 170:4, 4, 6; 179:5;  
183:8, 24; 184:10, 13, 18;  
191:24; 192:18, 21;  
193:24; 194:22; 198:18;  
202:23; 205:7; 208:16;  
224:14, 14; 228:23;  
229:10, 18; 237:3; 242:14;  
251:13; 254:2, 11; 256:24;  
257:8; 258:20; 262:4, 6,  
19, 20, 23; 263:5, 8, 13,  
17; 295:2, 15; 300:3;  
310:14; 311:6; 315:12;  
323:12; 327:9, 17; 337:19,  
20; 340:10; 341:21, 22;  
342:18; 343:9; 345:12;  
348:7; 357:2, 25; 363:8;  
364:17; 368:24; 370:15,  
19; 372:13; 376:2  
**ones** 55:10, 11; 95:22;  
188:13; 209:11; 230:23;  
342:21; 346:21  
**online** 245:19  
**only** 6:25; 11:21; 15:19;  
31:13; 36:6; 49:20; 58:23;  
62:18; 66:6, 12, 21; 67:7;  
68:3; 77:25; 87:14; 88:18;  
108:13; 110:11, 15; 118:8;  
130:3; 133:7; 144:8;  
166:13; 178:19; 180:18;  
183:3, 5, 14; 200:6;  
207:16; 212:25; 229:18;  
248:25; 255:12; 257:10;  
297:13; 325:22; 328:6;  
337:5; 343:8; 354:12;  
365:17; 367:18; 368:4;  
376:5  
**open** 183:11, 14; 225:14,  
15; 269:4; 345:15  
**opened** 295:7; 342:5  
**operation** 303:6  
**opinion** 113:7; 153:25;  
155:3; 188:22; 263:17, 23;  
265:2, 5, 10, 14, 19;  
310:22; 324:15  
**opinions** 263:12  
**opportunity** 65:5; 132:7  
**oppose** 13:7, 11; 377:15  
**opposed** 15:5; 236:23;  
305:20; 306:22; 307:16;  
308:14; 376:20  
**opposition** 128:24;  
199:2; 271:16  
**oral** 371:4  
**order** 53:7; 240:3; 263:5,  
22; 308:21  
**ordered** 355:5

**orders** 305:10, 23; 306:3  
**original** 21:8; 183:18;  
223:10; 293:7; 299:21  
**originally** 16:9; 82:11;  
84:24; 111:14; 139:22;  
147:20; 153:21; 161:15;  
170:5; 209:11; 231:8;  
235:4; 301:3  
**others** 53:17; 63:8;  
129:5; 199:7  
**otherwise** 25:22; 26:5;  
44:24; 361:18  
**out** 14:17, 19; 35:13;  
40:10; 48:14; 49:9; 52:6;  
56:12; 63:25; 68:17;  
76:18; 78:13, 20, 23; 79:7,  
17, 24; 81:10, 17; 82:3, 9;  
83:20, 22; 93:4, 16, 17;  
101:17; 102:16; 103:7, 13;  
120:23, 25; 122:14; 125:7,  
12, 15; 126:25; 127:15;  
128:14; 143:17; 150:5;  
151:7, 15; 154:18; 155:23;  
157:2; 184:4, 5; 226:11;  
235:20; 237:13; 238:2, 3;  
242:5, 11; 245:17, 22;  
246:6; 248:12; 253:18;  
254:23; 256:7; 262:18;  
263:3; 270:14, 15, 20;  
271:15, 20, 23, 25; 272:7,  
10; 274:3; 290:7, 25;  
295:6; 298:16; 305:10;  
315:5; 321:2, 3, 22;  
322:14, 15; 323:17, 18, 18;  
324:11; 325:21; 326:5, 6;  
327:9, 19, 21; 332:6;  
337:13; 338:22, 22;  
339:16; 343:19; 347:2, 3;  
349:18; 362:22; 363:24;  
364:19; 367:4; 368:12;  
370:25; 372:17; 373:3, 4,  
14, 18  
**outlet** 272:19; 328:24;  
330:18; 331:16; 333:13;  
334:6; 335:6; 341:4;  
344:17  
**outlets** 196:24  
**outright** 236:2  
**Outside** 8:10; 80:13;  
113:19; 128:9; 294:25  
**over** 52:2; 76:2; 82:22;  
91:20; 95:22; 96:13;  
117:23; 127:6, 10; 152:5;  
162:9; 185:17; 209:24;  
210:9; 220:14; 252:15;  
261:2; 262:22, 24; 263:8;  
268:7; 290:4; 295:3;  
326:7; 339:7, 10, 16;  
371:14, 24; 373:6  
**overall** 350:25  
**overcome** 61:3; 271:13  
**overseeing** 120:23;  
309:12; 310:6, 18  
**own** 58:19; 73:17; 264:3,  
9, 14; 265:5, 10, 14, 19;  
293:10; 357:8, 8; 362:23;  
374:25  
**owned** 75:22; 338:3



owner 75:2; 336:11;  
337:9; 344:21

## P

**p.m** 134:5; 158:12, 15;  
202:11, 15; 258:22; 259:2;  
268:12, 16; 335:13, 16;  
365:2, 5

**package** 260:19

**packet** 93:20; 362:15

**page** 23:11; 60:24; 70:8;  
128:22; 198:18, 23; 203:6;  
206:22; 268:22; 269:6;  
271:10; 302:6, 21; 345:5;  
360:11; 379:19

**paid** 51:20; 71:2; 72:20

**paper** 111:15, 24; 231:13;  
290:12, 25; 291:3; 330:16;  
333:11; 358:6; 368:18

**papers** 215:6

**paperwork** 16:22; 39:16,  
23, 25; 87:7; 131:10;  
163:20; 192:16; 208:14;  
209:15; 218:7; 356:12;  
364:21

**paragraph** 97:9, 10, 11,  
11, 15; 110:18, 20; 198:24;  
201:9; 203:6; 206:21, 23;  
251:5; 257:6; 259:4;  
261:17; 272:2; 302:21;  
304:12; 309:9; 313:16;  
314:24; 335:18; 345:4, 10;  
354:13; 357:14; 360:25

**parents** 339:15, 17

**Paridiso** 10:6; 40:18;  
41:17; 42:12; 43:6, 15, 23;  
44:9; 47:10; 50:10; 68:25;  
69:20; 70:3; 120:14, 24;  
122:4, 10, 13, 14, 20;  
124:21; 125:4, 17, 18, 22;  
126:5, 9; 225:4, 6, 8, 11,  
19; 226:10; 251:13;  
252:20; 253:3, 11; 254:9,  
13, 19; 255:2, 9, 14; 256:3,  
8, 12; 270:22, 25; 303:25;  
304:7, 17; 306:4, 22;  
307:16; 308:2, 4; 328:14;  
329:24; 330:21; 332:23;  
333:16; 334:16; 340:6, 9,  
14; 344:4; 345:25; 346:15;  
355:19; 356:23

**Paridiso's** 10:8; 120:18

**park** 12:10; 13:22, 25;  
14:11, 13; 15:11; 20:3;  
68:18; 107:3; 110:23;  
146:2; 175:10, 25; 178:6,  
7, 10; 181:25; 182:7, 15,  
20; 183:5; 188:2; 190:17;  
194:3; 200:3; 201:22;  
207:16; 234:23, 25; 235:2,  
3, 5, 7; 236:11, 13, 15;  
237:6; 239:12, 16; 243:24;  
247:4; 252:14; 305:2;  
367:16; 370:16, 19; 371:7;  
374:15; 375:15

**parking** 75:4

**parks** 172:15

**part** 38:19, 23, 24; 42:8;  
45:15; 53:18; 56:24; 71:6;  
78:10; 84:13; 105:15;  
107:24; 114:13; 115:18;  
118:6; 123:3; 141:20;  
147:21, 25; 148:13;  
154:20; 156:7, 17, 18, 25;  
175:16; 197:25; 198:4, 14;  
203:15; 215:18; 218:20;  
233:23, 25; 234:3; 241:23;  
242:10; 243:13; 245:3;  
248:11; 263:9; 273:2, 9;  
275:7; 282:20; 286:17;  
314:25; 315:16; 316:7;  
350:10, 24; 356:7; 367:13  
**part-time** 114:7, 9; 116:4  
**participate** 32:25; 33:18;  
62:11

**participated** 60:10, 16,  
20

**particular** 29:22; 67:9;  
123:10; 300:8; 308:14;  
351:2

**Partly** 273:22; 275:5;  
276:14; 348:24

**partner** 108:20; 319:6;  
369:9, 13; 373:11

**partner's** 369:10

**parts** 95:2

**party** 68:13, 16; 149:13;  
262:4; 263:16

**pass** 19:5; 230:17; 241:3

**passed** 183:5, 15; 184:10

**passing** 375:19

**past** 70:17; 92:18, 19;  
93:9; 150:11; 213:6

**Pat** 74:19

**patrol** 141:21; 348:15,  
23; 350:13, 16

**patrolled** 349:15, 21

**patrolling** 350:22

**Paul** 63:15; 74:16; 77:12;  
342:18

**paved** 367:12

**payroll** 270:13, 20

**peace** 91:17

**Pelt** 312:13, 14, 19

**pending** 7:3; 92:7

**people** 52:21; 57:4;  
111:9; 149:4, 19; 176:2;  
262:5; 264:18; 265:18;  
297:11; 315:23; 316:18,  
20; 329:3, 25; 367:16;  
376:4

**people's** 38:5

**per** 114:17

**percent** 89:12; 133:2, 4;  
207:5; 266:9, 13; 267:24;  
326:11

**performance** 252:17

**performed** 312:25

**perhaps** 113:19

**period** 23:8; 30:20;  
45:16; 55:25; 81:15;  
96:14; 109:5; 127:17;  
185:12; 186:4; 261:2

**permanent** 70:19; 91:18

**permission** 163:13;  
179:15

**person** 45:3; 52:12; 82:4;  
87:24; 183:15; 214:23;  
215:2, 11; 216:2, 6;  
228:11; 256:25; 257:9, 10;  
318:23; 327:10; 329:14;  
371:14, 23; 376:3

**personal** 70:20; 87:23;  
88:17; 92:10, 11; 111:5, 7;  
177:15; 227:9; 353:16, 20;  
354:21; 357:8, 8; 360:23

**personally** 110:2; 163:4,  
10; 314:22; 337:6; 341:12;  
342:22; 344:24

**Personnel** 176:2;  
200:23; 202:2; 208:15, 22;  
214:23; 215:9, 18; 216:3;  
217:3, 9, 17, 20, 24; 218:2;  
257:22, 24; 259:7; 309:12,  
14; 310:6, 19; 313:20;  
329:2

**pertaining** 260:23;  
313:13

**pertains** 207:16

**phone** 9:10; 14:3; 16:19;  
19:22; 21:12; 45:12; 46:5,  
11, 20; 47:4, 24, 25; 49:3,  
4, 10; 107:2; 108:14;  
110:3; 141:5; 142:24;  
149:23, 24; 161:11, 11, 14;  
162:9; 165:13, 19, 22;  
167:9; 169:8; 174:16;  
178:15; 179:6, 7, 9;  
194:17, 20; 199:14; 208:7;  
212:7, 10, 11, 24; 213:11;  
214:2, 4; 235:8; 237:13;  
253:25; 283:10, 18, 20;  
299:23; 319:17; 371:14

**photo** 368:17; 369:5, 8

**photos** 293:24; 294:3, 4

**phrase** 77:8

**physical** 94:6, 7; 95:15

**pick** 127:10, 16; 133:22;  
158:9; 318:23; 326:2;  
370:24; 375:5

**picked** 149:24

**picking** 39:15

**picture** 99:5, 13, 16;  
100:5, 12, 17; 267:10;  
310:2; 368:16

**pictures** 100:2, 25;  
101:22; 102:3

**piece** 290:12, 25; 357:21;  
358:6, 8, 8; 359:12; 360:9

**pieces** 291:3

**pinpoint** 288:21

**pissed** 327:10; 355:10

**place** 10:19; 19:16;  
90:10; 138:6; 189:13, 19;  
191:6; 194:25; 196:22;  
218:24; 228:25; 234:21;  
283:20; 337:17; 355:25

**Plaintiff** 71:9; 73:11;  
86:3; 87:19

**Plaintiffs** 4:5, 21; 7:20;

8:2, 12, 22; 11:10, 16, 22;  
60:25; 106:6; 256:11, 18;  
257:7, 16; 259:4; 271:11,  
12; 298:3; 301:19, 24;  
302:6; 312:25; 313:17, 20;  
315:17; 341:7; 365:8, 12,  
18; 366:5

**play** 170:20

**pleasant** 55:3

**please** 4:18; 5:15, 21, 24;  
22:17; 65:11; 74:18;  
101:12; 105:4; 123:23;  
162:6; 206:22; 345:5;  
357:24

**plenty** 52:8

**PO** 269:25

**pocket** 101:18

**point** 17:5; 20:25; 43:14,  
22, 57:11; 64:3; 94:18;  
100:21; 112:12, 17; 113:5;  
121:13, 16; 124:10; 130:4;  
132:23; 142:21; 155:17;  
156:5; 158:3; 166:6, 12;  
176:25; 180:25; 181:2;  
186:12; 216:15, 19;  
219:18; 226:7; 229:19;  
230:15; 235:24; 238:18;  
253:18; 296:8; 312:4;  
322:3; 349:19; 374:15

**Police** 13:22; 14:2, 11;  
15:11; 20:3; 40:14; 43:18;  
45:13; 48:2; 49:3, 10, 23;  
60:4, 11; 61:2, 23; 62:21;  
67:12; 68:11, 13, 16;  
76:10, 10; 77:3, 6, 24;  
79:9, 15, 23; 81:16; 83:21;  
88:15; 100:8, 9; 107:3, 5;  
113:19; 114:9; 203:10;  
234:23, 25; 235:3, 7;  
236:11; 237:6, 15, 21;  
238:7, 8; 239:13, 16;  
243:24; 248:9; 251:6, 11,  
18; 252:14; 253:21; 254:4;  
262:16; 269:10; 271:12,  
17; 282:12, 21; 290:17;  
294:4, 17; 295:3; 304:9;  
305:17, 20; 306:16, 21;  
307:15; 308:10; 310:7, 10;  
320:2, 18; 323:9; 324:23;  
326:21; 329:16; 331:22;  
332:9; 337:2; 350:11;  
351:2; 353:23, 25; 354:16,  
17, 19; 355:14; 360:14;  
362:15, 16, 20; 364:20;  
367:18, 20, 24; 368:5;  
371:12, 20; 374:10

**Politics** 16:21

**polygraph** 16:3, 4, 5;  
17:7, 9, 10, 17; 18:7, 18;  
19:4, 5, 10, 15, 25; 20:3, 8,  
18; 181:7; 230:10, 16, 17;  
231:16; 232:3, 8; 233:4, 7,  
21; 235:17; 238:12, 15;  
239:12; 240:23; 241:10,  
13, 18; 242:6; 244:24

**polygraphs** 15:15, 21,  
23; 243:20

**posed** 105:4; 378:15

**position** 12:11; 14:14;

110:23; 146:3; 178:3, 4,  
11; 183:10, 11, 14; 185:19;  
188:23, 25; 189:10; 192:4,  
9; 200:6; 201:9, 14, 18;  
209:8; 233:10; 236:14;  
237:4, 7, 11; 238:19;  
241:16; 304:23, 25

**positions** 207:11;  
229:23; 230:4, 7; 236:7, 8;  
237:2

**possession** 34:9; 93:13;  
101:2; 102:4; 134:23;  
366:13

**possible** 167:11; 367:5

**possibly** 167:8; 245:6;  
310:2; 365:24

**posted** 16:10; 76:17;  
85:10, 10, 12, 16, 19; 86:7,  
12, 14, 17, 19; 87:4, 8, 15,  
19, 24; 88:7; 112:24;  
133:17; 209:12; 220:13,  
22; 221:11; 237:24

**posting** 86:24; 87:11;  
88:12; 130:7

**postings** 95:3; 112:22

**potential** 243:17

**practices** 26:6; 32:17;  
34:13

**pre-polygraph** 241:23,  
25; 242:8, 10; 243:13;  
362:19, 24; 364:16

**Precise** 4:13, 16

**preliminary** 271:10;  
302:5

**presence** 8:3, 10; 9:7;  
360:17; 361:20; 363:7;  
372:8; 373:20

**present** 45:2; 81:16;  
83:19; 88:2; 136:7; 138:9;  
139:12; 140:20; 141:6;  
150:6; 195:13; 196:25;  
283:23; 284:9; 286:13;  
297:15; 372:19

**presently** 12:5, 8, 12;  
369:16

**press** 196:14, 17, 21, 25;  
197:16, 24; 198:12

**pressure** 19:3, 9

**presume** 203:11

**Pretty** 80:21; 82:23; 95:7;  
102:17, 23; 153:14;  
289:17; 325:5; 327:2

**prevail** 72:13, 23

**prevails** 73:12

**previous** 230:23; 346:19  
**previously** 205:5, 8;  
361:23

**printed** 184:5

**printer** 270:12, 19

**printing** 270:20

**Prior** 9:5; 11:8; 24:8, 12,  
24; 27:3, 19; 31:11; 52:6;  
58:24; 59:16; 66:25; 67:3;  
75:19; 79:7, 8; 81:7, 7, 8;  
100:21; 101:2, 23; 102:5;  
104:6; 106:18; 110:8;

121:6; 122:7; 123:12, 13, 22, 22; 124:4; 131:23;  
 145:5; 152:10, 16; 154:19;  
 156:5; 157:17, 21; 158:5;  
 160:4; 163:18; 169:16, 16;  
 170:4, 4, 9; 172:7; 173:22;  
 181:19; 182:17; 187:16;  
 188:16; 192:19; 200:8;  
 202:17; 205:16; 216:10,  
 20; 223:4; 232:10; 233:13,  
 23; 234:24; 250:17;  
 253:13; 267:7, 14; 272:3,  
 9; 284:24; 319:18, 20, 20;  
 354:7, 18; 355:9; 358:23;  
 363:19  
**privilege** 378:22, 24  
**privileged** 377:3; 378:10,  
 11  
**probably** 176:12; 209:7;  
 241:6; 289:2; 346:25;  
 347:3, 5  
**probe** 250:16; 272:23;  
 273:2, 5, 10  
**problem** 16:6, 7; 179:6;  
 282:22; 373:6  
**problems** 107:4; 147:23;  
 270:20  
**proceed** 5:11; 23:10  
**proceeding** 298:13  
**proceedings** 23:10  
**process** 70:24; 97:25  
**prod** 266:21  
**produce** 258:15  
**produced** 165:24  
**production** 102:2  
**professional** 70:20;  
 91:6; 92:16  
**program** 91:13  
**promise** 367:3  
**promised** 301:14  
**promote** 228:8  
**promoted** 173:8; 175:19;  
 176:24; 177:23; 178:4;  
 182:7, 20; 183:17; 185:13;  
 186:5, 10; 187:23; 188:10;  
 189:19, 24; 190:17, 21;  
 191:6, 16, 17; 193:16, 21;  
 194:3, 11, 15; 195:15, 20;  
 201:22; 209:21; 210:20,  
 24; 211:5, 12; 216:7  
**promoting** 186:13  
**promotion** 14:25; 15:4;  
 92:7; 131:22; 132:7;  
 160:23; 163:17; 180:17;  
 207:10, 15, 17, 20, 25;  
 208:11; 211:17, 21;  
 215:20, 24; 228:12;  
 251:14; 303:7; 307:4, 8, 10  
**promotional** 14:15;  
 182:2; 183:3, 4; 200:6  
**promotions** 172:11, 24  
**property** 225:15  
**prosecutor** 277:7;  
 288:14; 369:20; 370:4  
**prosecutors** 369:23  
**protect** 271:15

**protected** 377:22  
**prove** 153:15, 17; 235:23  
**provide** 229:25; 252:6, 8,  
 20  
**provided** 230:20  
**provisionally** 131:23  
**provisions** 72:3  
**psychiatrist** 90:23; 91:5,  
 8, 11, 23; 92:6, 15, 25;  
 93:3, 11  
**psychological** 93:10  
**psychologicals** 371:5  
**Public** 5:18; 62:3, 12;  
 92:10; 195:25; 244:5;  
 271:15; 302:8; 313:3, 7  
**pull** 325:20  
**pulled** 262:18; 295:11  
**pulling** 64:2; 326:5  
**punished** 350:4  
**punishment** 348:19, 25;  
 349:19  
**purporting** 200:21  
**purpose** 53:15; 99:20;  
 100:11; 175:14; 270:10  
**purposes** 24:16  
**pursue** 239:22; 240:4;  
 243:19, 23  
**pursuit** 239:17  
**push** 188:14; 191:24;  
 192:18, 21  
**pushed** 193:3  
**put** 9:23; 26:3, 4; 62:5;  
 73:5; 94:19, 20; 117:4, 25;  
 118:8, 22, 23; 119:3, 4, 9;  
 123:16, 25; 126:8; 132:20;  
 145:20; 150:5; 154:2;  
 233:2; 255:17, 19, 21;  
 260:5, 18, 22; 284:5, 5;  
 292:10, 20; 346:25; 347:3;  
 348:21; 349:2, 9; 356:10  
**putting** 11:23; 66:18, 19;  
 187:24; 192:4; 348:17;  
 350:6; 356:13

## Q

**Q** 24:24; 263:10  
**quad** 263:9  
**question's** 132:5  
**questionnaire** 241:24;  
 243:14  
**questionnaires** 242:8  
**quicker** 248:12  
**quiet** 285:21  
**quite** 28:15  
**Quogue** 362:15; 364:20

## R

**R** 16:4  
**R-A-B-E-R** 184:22  
**Raber** 183:19; 184:5, 21,  
 23; 185:2, 15, 17; 186:3,

16; 194:5, 19, 21; 210:13,  
 14, 15, 18, 23; 211:4, 9,  
 10; 220:10  
**race** 94:11, 24  
**racing** 94:14; 95:5, 14  
**radio** 45:13; 46:4; 48:2;  
 49:4, 10; 325:24  
**Radler** 4:23  
**raise** 47:6, 9, 12, 15;  
 330:11; 331:9  
**raised** 19:3, 9; 47:5;  
 62:20; 63:21, 23; 64:11;  
 71:8, 9; 272:15, 19; 277:18  
**ran** 74:25; 125:18; 290:17  
**range** 151:4, 7  
**ranger** 12:11; 14:13;  
 110:24; 146:2; 178:6, 7,  
 10; 182:2, 7, 20; 183:5;  
 188:2, 190:17; 194:3;  
 200:3; 201:22; 207:17;  
 235:2, 6; 236:13, 15;  
 370:16, 19; 371:7; 375:15  
**rangers** 175:10, 25;  
 182:16; 247:4; 305:2  
**rank** 33:15; 34:21  
**ranking** 26:7, 10, 20; 35:9  
**rat** 137:14; 150:22, 23;  
 263:23; 265:2; 347:22;  
 361:8, 10, 15, 21, 23, 25;  
 362:6, 9, 9; 363:5, 12, 17,  
 21; 364:13  
**rather** 146:5  
**rats** 262:7, 20; 263:5, 13,  
 18  
**Ray** 369:25  
**re-call** 179:5  
**reach** 78:20, 23; 79:7, 17,  
 24; 81:9; 82:9  
**reached** 78:13; 81:17;  
 82:3; 83:20, 22  
**reaction** 314:18  
**reactions** 94:6  
**read** 25:11; 164:15;  
 165:20; 198:11, 13;  
 206:22; 210:20; 211:6;  
 245:13; 261:11; 264:3, 8;  
 265:9; 272:3; 314:2, 24;  
 335:19; 345:5; 357:23, 25;  
 359:20; 360:19, 23  
**reading** 210:4; 244:12  
**real** 224:11  
**realize** 196:10  
**really** 39:21; 92:13;  
 202:6; 222:11; 229:10, 18;  
 231:3; 234:3; 237:3, 25;  
 275:18, 21; 276:21; 286:6;  
 289:24; 294:23; 299:11;  
 332:20; 355:21; 359:17  
**reason** 12:20; 17:5;  
 59:10; 81:2, 4, 6; 146:5;  
 147:10, 19; 155:3; 156:12;  
 166:8, 22; 167:11; 177:23;  
 184:12, 24; 185:13;  
 187:16; 195:14, 19;  
 210:19, 24; 211:4, 11;  
 221:5, 7, 8, 17, 19; 222:15;

223:9, 10, 16, 17, 18;  
 224:5, 11; 227:16; 230:11,  
 21, 22; 233:20; 234:9;  
 235:13; 238:23; 239:7, 11;  
 240:16, 21; 242:19;  
 243:15; 244:13; 251:22;  
 255:12; 296:5, 7, 16  
**reasoning** 221:25  
**reasons** 17:4; 18:2, 18;  
 20:24; 21:6, 16, 20; 22:3,  
 4; 166:13; 167:8; 168:20;  
 178:17; 232:2, 23; 233:6;  
 235:15; 243:7  
**recall** 11:3; 26:17; 30:16;  
 32:15; 36:20; 51:9; 61:4;  
 62:24; 63:7, 7, 22; 64:24;  
 65:3; 77:5; 98:25; 104:10,  
 12; 120:10; 124:19, 24;  
 126:23; 127:11, 13;  
 134:11, 16, 21; 144:7, 17,  
 20; 149:17; 173:21; 190:2;  
 191:19; 201:3; 208:23;  
 267:14, 16, 19, 21; 268:2;  
 283:21; 287:17, 20, 21;  
 288:20; 291:7, 18; 292:13,  
 15, 24; 293:19; 308:17;  
 317:20; 323:5, 13; 325:12;  
 327:25; 338:7; 343:24;  
 349:11; 352:7, 20; 353:14;  
 365:9; 369:11, 12  
**recalled** 294:8  
**receded** 100:18  
**receding** 98:15; 100:23  
**received** 207:23; 227:20;  
 256:2  
**receiving** 201:4; 267:19  
**Recently** 217:13  
**recognize** 22:20; 205:7;  
 266:3  
**recollection** 34:10;  
 43:17; 49:7; 63:13; 65:6,  
 22; 104:21; 105:3; 124:11;  
 125:23; 134:24; 177:3;  
 187:9; 197:2; 266:21;  
 311:2; 366:14  
**recommence** 31:5  
**recommendation** 256:3  
**reconfirmed** 167:7  
**reconfirms** 16:24  
**record** 4:17; 5:8, 22;  
 25:25; 33:22; 65:12, 25;  
 66:5; 73:5, 7; 79:22; 91:18;  
 124:20; 133:25; 134:5;  
 146:11, 22; 158:12, 15;  
 195:25; 202:11, 15;  
 229:13; 244:5; 245:4;  
 258:20, 22, 24; 259:2;  
 260:6; 268:12, 16, 19;  
 335:13, 17; 365:2, 5; 378:6  
**recorded** 144:14, 25;  
 145:14; 147:12; 170:14;  
 179:13, 16; 202:18  
**recorder** 142:22, 25;  
 143:2, 6, 20  
**recording** 142:16, 19;  
 144:23; 145:7, 23; 146:17,  
 19; 147:3; 169:18; 170:25;  
 179:19

**recordings** 145:20  
**records** 153:8, 18;  
 257:16, 20; 259:5, 8;  
 293:10  
**recover** 71:11; 72:23  
**recreation** 172:16;  
 185:21; 186:25  
**recruiter** 230:9; 235:9;  
 237:14; 239:18  
**recruits** 368:6, 8, 10  
**refer** 26:11; 31:22; 32:2,  
 18; 34:14; 35:8; 247:21;  
 250:7; 306:4, 6, 10  
**reference** 16:15; 110:18;  
 131:10, 21; 149:4; 165:3,  
 7; 229:4, 11, 19, 20;  
 248:14; 251:4, 10, 19, 25;  
 252:13, 16, 20; 253:11;  
 254:11; 255:4, 10; 256:8,  
 12; 259:3; 294:11  
**referenced** 130:20;  
 169:19; 203:15; 293:22  
**references** 207:13;  
 211:23; 215:19; 228:16,  
 21; 229:10, 18, 25; 251:6;  
 252:5; 256:17; 367:6  
**referred** 73:9, 10; 128:15;  
 137:16, 22; 203:15; 292:4  
**referring** 45:2; 73:2;  
 74:8; 85:20; 110:19;  
 111:3; 136:14; 162:23;  
 199:10; 207:15; 208:19;  
 210:11; 213:12; 215:25;  
 229:4, 16; 247:16; 248:7,  
 8, 18, 19, 24; 250:21;  
 251:25; 252:8; 259:5;  
 260:5; 302:15  
**refers** 229:13; 236:18  
**reflect** 73:7  
**reflected** 212:12; 224:22  
**reflects** 214:4  
**refresh** 34:10; 63:13;  
 65:6, 21; 104:20; 134:24;  
 366:14  
**refreshes** 105:2  
**refuse** 331:20  
**regard** 18:2; 22:6; 44:2,  
 5; 47:3; 69:6, 9, 12, 19;  
 70:2, 5; 88:24; 90:23;  
 155:5; 176:4; 189:8, 9;  
 196:13; 228:11; 230:25;  
 246:19; 255:8; 329:5, 8;  
 340:4; 364:9  
**regarding** 135:16;  
 136:13; 227:5; 376:10;  
 377:12; 379:5  
**Regardless** 62:23;  
 63:18; 323:14; 378:8  
**regime** 271:16  
**regular** 6:5; 350:13  
**regulations** 309:15  
**regulus816@earthlin-**  
**k.net** 266:12  
**rehire** 21:22  
**rehired** 84:9; 114:2;  
 116:20, 24; 148:21;

152:25; 154:21; 155:4, 8;  
 156:13, 20; 167:24  
**related** 81:22; 100:12;  
 101:17; 244:25  
**relates** 34:21; 186:21  
**relating** 304:21  
**relation** 84:19; 104:4;  
 106:14; 108:8; 163:22;  
 186:15  
**relations** 373:21, 24  
**relationship** 81:25;  
 127:20, 23; 227:8; 372:12  
**relieve** 77:13  
**relieved** 48:15  
**Relieving** 47:21; 49:2;  
 358:4  
**relive** 85:4, 4  
**reliving** 94:3, 16  
**remarks** 85:2  
**remember** 82:25; 162:5;  
 197:3  
**remove** 331:19  
**removed** 126:16  
**render** 263:23; 264:25  
**repeat** 154:15; 204:14;  
 236:5  
**repeated** 302:6  
**rephrase** 6:20; 8:16;  
 13:2; 79:14  
**replace** 123:24  
**replaced** 211:3, 10  
**report** 91:8, 12, 16;  
 357:21; 360:6, 7, 8  
**reporter** 4:15; 5:15, 21,  
 24; 22:10; 200:14  
**Reporting** 4:13, 17;  
 177:4  
**represent** 366:24  
**representative** 287:24  
**representatives** 285:20;  
 286:12  
**represented** 378:2;  
 379:12  
**representing** 5:5; 23:20  
**reprimanded** 90:4  
**reputation** 70:20; 110:24  
**request** 7:2; 101:16, 20;  
 258:18; 317:22; 318:10  
**requesting** 185:12  
**requests** 72:3  
**required** 92:4; 181:7;  
 243:20  
**requirements** 16:2  
**requires** 91:22  
**rescue** 285:12  
**researched** 15:14  
**reserve** 6:8  
**resident** 88:11  
**residents** 74:21, 23;  
 76:12, 13, 17; 88:12, 14  
**respect** 120:23; 121:2;  
 122:14; 162:7; 257:3, 5  
**respectfully** 23:15

**respective** 29:8; 207:11  
**respond** 25:6; 97:19;  
 166:2; 186:6; 282:16  
**responded** 186:5;  
 282:14  
**response** 17:24; 18:9;  
 40:4, 8, 20, 22; 41:10, 24;  
 42:7, 25; 46:16; 48:6; 50:6;  
 87:8; 188:16; 316:9;  
 322:24  
**responses** 17:12  
**responsibilities** 350:11,  
 25  
**responsibility** 305:6;  
 350:15  
**responsible** 303:4, 11,  
 18; 304:11, 16, 22, 25;  
 305:18; 306:14, 20; 307:3,  
 14, 23; 308:9; 309:12;  
 310:5, 18  
**rest** 55:2; 338:24; 367:17  
**result** 76:14, 25; 84:8;  
 90:10, 17; 113:20, 25;  
 131:13, 17; 166:4; 257:14  
**resulted** 94:8; 96:8;  
 154:20; 155:6; 156:19  
**resulting** 96:7; 132:8  
**results** 14:17, 19; 173:4  
**resume** 192:15  
**retain** 103:15; 104:7  
**retained** 202:16  
**retainer** 104:15  
**retaliate** 59:14  
**retaliation** 128:23;  
 198:25  
**retaliatory** 58:18  
**retire** 217:12  
**retired** 217:11  
**retirement** 262:4; 263:16  
**review** 6:9; 22:17; 24:2, 7,  
 12, 15; 205:15, 20  
**reviewing** 22:18, 19;  
 162:24; 206:24; 335:21;  
 345:7; 357:15, 19; 360:12  
**Rich** 46:5, 7; 325:19;  
 327:19; 346:21; 362:2;  
 363:7  
**Richard** 327:18  
**rid** 279:6, 11  
**ride** 56:12; 353:9  
**ridicule** 347:20; 348:2, 4,  
 13; 352:11, 13  
**ridiculing** 348:18; 352:7  
**right** 5:13; 6:8; 16:25;  
 28:8; 30:21; 31:17, 18;  
 34:19; 42:22; 56:3, 6;  
 57:12; 61:17; 63:5; 64:19;  
 71:21; 77:15; 89:16;  
 93:21; 96:19; 101:6, 19;  
 103:2; 107:16; 109:24;  
 117:7; 118:10, 13; 123:19;  
 124:2; 133:8; 141:9;  
 147:6; 152:9; 154:4;  
 168:9, 12, 21, 25; 173:23;  
 178:8; 184:16, 20; 192:20,  
 21; 195:8, 9; 207:3;

212:13; 218:17; 219:2, 6,  
 8, 18, 19; 221:4; 13, 14,  
 16; 222:2; 223:5, 14, 18;  
 224:2; 225:23; 227:10;  
 228:7; 229:21; 230:21;  
 232:10, 12, 13, 19; 233:24;  
 234:4, 6, 13, 22; 235:2;  
 236:16, 19, 24; 237:4, 7;  
 239:8; 240:10; 241:13, 17,  
 20; 244:5, 15, 19; 245:11,  
 15, 19; 252:10, 19; 255:10;  
 263:24; 264:4, 9, 14;  
 265:2, 7, 10, 14, 19;  
 274:23; 275:4; 276:23;  
 286:13; 290:20; 292:23;  
 294:5; 295:23; 297:8, 16;  
 305:25; 307:13; 309:24;  
 311:13; 316:3; 322:8;  
 327:24; 347:10, 17;  
 350:14, 16, 18; 351:5;  
 359:7; 360:9, 25; 363:11;  
 379:2  
**rights** 244:18  
**Rivkin** 4:23  
**RL** 24:24  
**roadway** 367:13  
**Rob** 281:8  
**Robert** 367:12; 374:14  
**rocket** 37:21; 38:16;  
 39:11; 49:22; 50:2, 11;  
 63:16  
**Rogers** 5:2; 41:20; 42:15;  
 43:9; 44:3, 12; 47:7; 50:14;  
 69:10; 328:17; 330:6, 25;  
 333:3, 20; 334:20; 340:18;  
 344:9  
**Ronkonkoma** 141:13, 14  
**room** 9:6; 131:21;  
 194:19; 208:8; 209:9, 10,  
 20, 25; 210:7, 16; 211:25;  
 277:7; 284:21; 373:2, 14,  
 18  
**roster** 126:16  
**rough** 280:15, 22; 281:9,  
 18  
**roughly** 117:19; 319:22  
**RQ** 101:19, 25  
**rules** 6:7, 7  
**ruling** 25:9  
**rumors** 208:25  
**running** 209:2; 285:4;  
 374:22

## S

**sad** 153:15  
**same** 15:6, 9; 18:21;  
 28:20; 29:18; 32:13;  
 33:15; 34:21; 39:5; 44:2, 5,  
 12, 14, 16; 46:23; 47:21,  
 23; 67:17, 18; 69:6, 9, 12,  
 19; 70:2, 5; 81:6; 117:16;  
 120:21; 165:20; 179:9, 24;  
 235:4; 264:23; 329:5, 8;  
 332:11; 334:15; 345:19;  
 346:21; 366:16; 375:4;  
 377:14; 379:6

**Sanchez** 309:11, 18, 21,  
 23; 310:5; 368:16; 369:15;  
 371:23; 372:4, 8, 12;  
 373:21, 25  
**Sanchez's** 311:21, 25;  
 312:9  
**sanctions** 71:23  
**sand** 325:14, 19, 21  
**Santana** 4:12  
**sat** 208:21  
**Saturday** 149:14; 295:19  
**saw** 15:14, 25; 25:13;  
 28:18; 35:20; 37:12;  
 46:22; 54:12; 76:2; 78:25;  
 80:5; 86:14, 16; 111:23;  
 112:23; 125:21; 126:2;  
 142:21; 143:13; 220:12;  
 227:23; 231:8; 282:24;  
 289:17; 311:19; 327:21;  
 346:17, 18; 355:3; 368:17  
**saying** 16:24; 75:23;  
 87:8; 163:4; 165:17, 18;  
 209:22; 226:22; 228:20;  
 237:2; 243:6; 247:18;  
 249:16; 270:18; 315:19;  
 339:23; 341:6; 363:15  
**scapegoat** 279:17  
**scene** 153:6  
**schedule** 28:20; 30:13;  
 117:5; 118:2; 121:12, 14,  
 16, 17, 23; 122:4, 11, 16;  
 123:9; 280:13; 282:2;  
 285:14, 16  
**scheduled** 10:3; 233:21  
**schedules** 28:17, 18  
**scheduling** 126:2, 6;  
 188:3  
**Schimpf** 185:24; 186:11,  
 15, 20; 187:15, 22; 188:8,  
 10, 17, 20; 189:13, 18, 24;  
 190:16; 191:4, 13, 15;  
 192:2, 6; 193:6, 14, 15, 24,  
 25; 194:8  
**Schneider** 200:23;  
 201:3, 7, 13, 20; 202:2;  
 217:17, 23  
**school** 339:17  
**scooped** 16:25; 17:2;  
 166:23; 167:4, 21; 168:4  
**score** 376:2  
**scored** 182:4; 184:10, 13  
**scores** 218:9; 375:23  
**screaming** 325:25  
**scroll** 248:2  
**search** 105:24; 106:15,  
 18; 108:10  
**searches** 108:2  
**season** 21:23; 30:10;  
 116:2; 117:14, 16; 118:7;  
 123:4, 8; 124:5, 6; 317:7, 8  
**seasonal** 27:20, 22; 28:5,  
 6; 114:8, 11; 115:3, 6, 8,  
 11, 14; 116:11, 13, 20;  
 263:9  
**Seasonally** 13:23  
**second** 39:2; 40:2; 42:3,

11, 14, 17; 45:20; 47:18;  
 48:6, 17; 49:12; 68:24;  
 70:8; 128:22; 162:6, 13;  
 179:8; 189:23; 198:18, 22,  
 23; 201:8, 8; 231:23;  
 234:4; 258:20; 317:2, 14,  
 17; 321:11; 325:20;  
 327:13; 328:9; 337:8;  
 339:2; 340:10; 341:19;  
 357:25  
**secondhand** 352:9  
**seconds** 57:21; 82:24;  
 144:18  
**secretary** 149:21; 194:20  
**section** 25:20  
**secure** 106:25; 354:2  
**security** 15:25; 243:25  
**seeing** 81:8; 94:19; 96:7;  
 267:14, 16  
**seek** 8:7; 12:18; 13:16,  
 19, 21, 24; 14:11; 103:11;  
 377:2  
**seeking** 14:24, 25; 71:11;  
 207:25; 376:14; 377:9  
**seems** 121:19  
**selectively** 341:8  
**send** 117:23; 185:11;  
 223:3; 224:23; 226:21;  
 239:20; 253:11; 255:4, 6;  
 272:14, 18; 328:23;  
 368:24, 25  
**sending** 120:10; 124:24;  
 368:25  
**senior** 26:6, 10, 19; 30:7;  
 35:9; 153:5; 312:21;  
 325:14; 327:5  
**sent** 91:20; 161:21;  
 199:23; 223:20; 224:10;  
 290:24; 327:11; 337:16;  
 343:20; 348:14; 349:25  
**sentence** 128:23;  
 198:24; 201:8, 9; 203:5;  
 207:9; 228:16, 19; 229:5,  
 13, 17, 22; 272:2; 302:5,  
 22, 23; 309:10  
**sentences** 97:10  
**separate** 218:2; 230:22  
**September** 4:10; 14:17;  
 28:7; 51:13; 97:2; 114:8,  
 10, 17, 19; 122:12; 152:3;  
 184:7, 8, 8; 185:12; 186:3;  
 189:22; 195:2, 3, 6;  
 200:17, 21; 201:20;  
 227:24; 295:22  
**Sergeant** 26:8; 120:7, 11;  
 122:20; 124:21; 125:2;  
 207:12; 270:21; 304:7  
**sergeant's** 12:11  
**series** 6:17; 242:10  
**serious** 95:7, 12; 102:17,  
 23, 24  
**served** 336:22  
**service** 12:10; 14:15;  
 114:17; 178:5; 181:15, 25;  
 190:10; 200:4; 202:3;  
 217:25; 230:13; 233:11;  
 257:16, 20, 25; 258:5, 11,



15, 16; 259:4, 8, 12, 18, 23; 260:6, 22; 261:5; 302:8; 309:15; 311:15; 312:22, 23; 361:23, 25; 362:6, 9; 363:5, 12, 17, 21; 364:13, 14; 370:7; 371:13, 19; 372:15; 373:3  
**set** 98:14; 150:15; 192:14; 205:25; 206:4; 233:3, 7, 10; 257:6; 268:18; 345:9; 360:24  
**sets** 244:7; 269:23  
**setting** 235:16  
**seven** 163:23  
**several** 9:16; 15:15, 18, 20, 22; 52:17; 54:19; 57:6; 74:10; 218:13; 362:3, 20; 372:13  
**severe** 94:12  
**sexual** 277:24; 278:15; 288:23; 291:5, 14; 372:11; 373:21, 24  
**shape** 44:9  
**shareman** 304:19  
**shaved** 294:8  
**sheet** 269:9  
**sheets** 153:23; 154:2; 270:20; 286:18, 24; 287:7  
**shift** 52:11; 305:14, 21; 306:2, 7, 11; 351:2  
**shifts** 28:9, 24; 89:16; 350:12  
**Shirley** 14:6, 8  
**shit** 40:10, 11; 82:19; 295:12; 357:21; 358:8, 9; 359:12; 360:9  
**Shop** 151:5  
**Shore** 6:3; 80:5; 81:9; 262:17  
**short** 149:16; 313:20; 321:19; 324:14, 18; 329:2; 330:22  
**Shortly** 86:21; 144:16; 196:14  
**shot** 55:19; 57:20; 58:3, 7, 9, 11, 20, 23; 59:5, 7, 10, 12, 21, 23; 61:8  
**shots** 52:18  
**show** 22:15; 56:19; 61:7, 13; 99:10, 11; 102:4; 153:18; 180:17, 20; 205:4; 267:6; 362:13  
**showed** 31:12; 61:12; 94:23; 95:2; 150:18; 153:8; 184:5; 208:10; 212:13; 280:13; 286:23; 287:6; 343:18; 365:6, 13; 366:10  
**showing** 104:13  
**shows** 113:5  
**shrugged** 176:21; 228:3; 314:20; 321:21  
**Shut** 37:23, 24; 51:22; 55:18; 57:18, 25; 59:20; 128:5; 262:25  
**side** 56:17

**sign** 6:9; 104:15; 271:3; 308:25  
**signature** 23:12; 269:12, 14, 17, 20, 21; 270:4, 5, 7, 8  
**signatures** 269:24  
**signed** 97:12  
**significantly** 98:15; 100:18, 22, 23  
**silence** 61:3; 247:3, 7, 9, 15, 21; 248:5, 16; 249:6; 250:8, 13, 21, 25; 271:14  
**Silver** 143:8  
**similar** 224:14, 14; 358:6  
**similarly** 375:2  
**simple** 20:17  
**single** 268:22; 282:15  
**sirens** 285:6  
**sit** 18:11; 28:23; 77:14; 85:18; 263:20  
**sitting** 153:22  
**situation** 255:18, 20, 22  
**six** 170:8; 273:16; 277:7; 288:13; 318:3; 325:17; 335:16  
**size** 215:9  
**sleep** 73:17; 84:15; 88:24; 90:24; 225:16  
**sleeping** 17:6; 21:14, 18; 84:19; 133:17; 134:11; 159:3, 5, 6, 9, 13, 21, 25; 160:6, 10, 16, 20; 161:5, 25; 162:2; 164:25; 166:4, 20; 168:11; 169:9; 170:10, 15; 176:19; 225:11; 232:19; 233:23, 25; 234:3, 10; 235:25; 319:16  
**small** 294:21; 354:2  
**Smith** 14:4  
**Smithtown** 182:10, 15; 183:2; 376:6  
**snitch** 279:20  
**Snyder** 85:24; 86:3, 7, 11, 18, 23; 87:15, 22; 88:8, 19; 109:3, 6, 10; 130:22, 23; 131:2, 3; 133:7; 138:22; 203:21, 23; 207:10; 229:14; 266:14  
**Snyder's** 85:25; 357:21; 358:16, 22; 359:2; 360:5, 7  
**socialize** 128:8, 10  
**somebody** 137:25; 138:16, 20; 155:13, 25; 287:13; 318:21  
**somehow** 59:13  
**someone** 18:6, 17; 21:9; 76:2; 83:11; 85:3, 9; 87:4; 117:23; 138:25; 139:2; 148:4; 156:11; 185:16; 220:21; 240:2; 276:9; 338:3; 356:13  
**sometime** 107:8; 114:20; 148:2; 173:18; 184:6; 296:25  
**Sometimes** 190:11, 12; 318:6, 7

**Somewhere** 319:23  
**Soon** 174:4; 367:4  
**sorry** 14:7; 18:13; 37:10; 43:20, 21; 49:18; 65:13, 17; 73:25; 77:11; 86:15; 110:20; 123:3; 152:23; 154:15, 22; 169:20; 184:8; 190:15; 195:3; 198:12; 204:14; 217:14; 234:16; 268:20; 289:6; 326:15; 331:4; 336:2; 357:16, 17; 369:4; 371:4  
**sort** 164:2, 17, 19; 369:6  
**sought** 12:15; 90:22; 256:7; 377:25; 379:11  
**sound** 169:20  
**source** 158:4; 263:21; 264:24  
**south** 351:20; 354:6, 10  
**Southampton** 107:18  
**space** 104:19, 24  
**speak** 7:4, 12, 15; 9:3; 11:9, 15; 50:9, 13; 79:9; 83:12; 108:7, 9; 110:7, 13; 149:25; 150:11; 174:3; 186:15; 194:22; 235:9; 271:20, 25; 272:7, 10; 273:7; 275:10; 284:24; 300:19  
**speaker** 140:19; 141:5  
**speaking** 218:6; 271:15  
**speaks** 165:6; 249:19  
**specialist** 4:14  
**specific** 21:6; 23:8; 130:9; 132:5; 216:15, 20; 287:18; 306:11; 325:9  
**specifically** 7:16; 20:18; 35:22; 38:11; 44:16; 45:24; 132:13; 135:4, 6, 15; 136:20; 137:4, 9; 170:24; 176:4; 177:24; 216:21; 218:5; 221:21; 241:14; 282:18; 283:2; 349:24; 361:8, 15; 366:4  
**speculate** 212:18; 255:13  
**speculating** 29:6  
**speculation** 211:16  
**spell** 78:21; 184:21  
**spent** 72:7  
**split** 118:11  
**spoke** 106:21; 107:9, 22; 108:8; 109:25; 110:2; 150:10, 12; 151:18; 157:22; 160:22; 168:2; 170:5; 176:13; 177:9; 186:3, 9, 11, 16; 190:3; 194:5; 203:21; 208:21; 225:8; 230:8; 234:12, 17; 237:13; 240:25; 271:23, 23; 272:22; 273:12; 275:11; 283:7; 284:17; 286:11; 287:24; 290:8; 298:6, 10; 315:4; 377:7  
**spoken** 7:8, 19; 8:11, 21, 25; 11:24; 12:2; 83:2; 107:25; 173:23; 177:18;

300:6; 301:2; 376:7, 19; 378:7  
**spooked** 290:5  
**spreading** 164:23  
**squad** 285:12  
**squared** 373:5  
**squeaky** 346:24; 347:9, 16  
**stack** 286:24  
**staff** 191:23  
**stamped** 99:7; 268:24  
**stance** 275:24  
**stand** 355:3  
**standard** 93:8  
**standing** 70:21; 110:17, 22; 111:4; 112:13, 18; 113:7; 294:19; 323:16  
**Stanley** 312:13, 14, 19  
**stared** 80:10  
**staring** 75:3, 7  
**start** 30:14; 84:19; 98:7, 20, 23  
**started** 27:3; 30:17; 98:8, 17; 149:2, 3; 150:20; 151:22; 155:11; 295:8; 300:4; 322:21; 368:12  
**starting** 27:4; 363:9  
**starts** 103:22; 163:3  
**State** 5:19, 22, 25; 91:18; 93:6, 8; 214:22; 247:11; 373:19, 23  
**stated** 245:20; 310:8; 355:9  
**statement** 129:14; 130:5, 19, 21, 25; 132:9; 135:3; 136:3, 8, 14; 137:6; 140:8; 148:16; 158:25; 159:13; 164:5, 15, 20; 203:25; 204:4, 10, 18, 22; 215:12; 271:10; 294:11; 297:2; 298:25; 302:5; 358:17, 23, 24; 359:3; 360:13, 18, 19, 24  
**statements** 129:3, 8, 22; 133:10, 11; 199:4; 203:7, 14; 215:22; 372:20  
**States** 4:8; 115:16; 223:6; 244:18  
**station** 36:4; 38:9, 15, 22; 39:19; 43:18; 46:3; 49:2, 23; 50:3; 100:8, 9; 270:19; 292:13; 294:17; 331:22; 332:5, 9; 337:2; 352:16; 353:23; 354:2, 16, 17; 372:14  
**stationary** 226:23; 227:5, 15  
**status** 120:18; 298:21  
**statute** 91:21  
**statutory** 72:3, 14; 73:10  
**stay** 158:16; 279:25  
**steady** 124:9  
**step** 137:5  
**stick** 79:6  
**sticks** 51:8

**still** 62:8; 63:16; 120:22, 23; 121:4, 12, 16; 122:4, 11; 125:6, 12, 14; 126:8, 11, 12; 183:11; 190:4, 7; 191:22; 192:7; 195:8; 202:2; 203:2; 216:14; 217:9; 237:17; 244:23; 247:3; 248:5, 16; 320:6, 10; 324:14; 378:9  
**stipulate** 13:10; 258:17  
**stipulation** 114:20  
**stipulations** 6:5  
**stock** 16:3  
**stomach** 359:16  
**stomach's** 358:12  
**stonewalled** 227:9  
**stood** 309:23  
**stop** 49:9, 11; 151:5; 268:7; 274:9  
**stopped** 30:21; 54:8; 141:20; 218:7; 368:25  
**stopping** 348:19  
**story** 197:6, 23  
**straight** 76:18; 130:10; 147:12; 155:23; 321:2  
**strangers** 261:19, 24  
**street** 111:10; 294:25; 295:9; 348:14, 18, 22; 349:10; 350:7  
**streets** 327:11; 338:23, 24; 349:3, 14, 22; 350:9, 16, 20, 23; 351:6, 14, 17, 19; 352:2  
**stress** 70:23; 93:23, 25; 94:10; 95:17; 102:20  
**strewn** 331:21  
**strike** 12:22; 13:4, 8, 11; 45:15; 113:3; 132:4; 137:3; 213:10; 225:18; 227:12; 230:19; 263:10; 326:17; 363:2  
**stuck** 127:3, 6, 19; 325:13  
**stuff** 15:14; 39:7, 16, 16; 74:13, 21; 76:4, 18; 89:22; 94:3; 110:4; 111:15, 16, 24; 112:20, 22, 24; 172:19, 24; 187:25; 188:4; 209:3; 210:10; 213:18; 218:9; 260:8; 299:19; 305:24; 322:13; 332:6, 8; 346:19, 22; 365:25  
**subject** 48:7; 50:7; 64:25; 174:25; 177:10, 19; 266:21; 268:2; 313:3; 365:18; 366:9  
**submitted** 193:19  
**subpoena** 99:21, 22, 24; 100:13; 293:25  
**subpoenaed** 100:2; 259:22  
**subsequent** 7:21; 8:12; 16:19; 78:17; 128:25; 132:22; 158:21; 169:25, 25; 199:3; 251:9, 16; 254:21; 257:20, 25; 258:5, 11; 259:12, 14; 261:21

subsequently 151:17;  
169:13  
substance 9:12; 39:9;  
107:13  
substantive 11:5; 191:3  
sued 83:5, 11; 245:15  
sufficient 243:8  
Suffolk 5:4, 5; 13:22, 25;  
14:10; 15:10; 20:3; 107:5,  
10; 178:5; 181:15, 24;  
201:17; 202:3; 217:18;  
218:3; 229:23; 235:3, 6;  
236:10, 19, 21, 23; 237:3;  
238:6; 239:12, 15, 23;  
258:14; 262:16; 273:13;  
275:2; 276:9; 277:2;  
280:4; 283:8; 284:11, 18,  
25; 285:19; 287:24;  
291:12, 20; 292:2; 293:14;  
301:12, 15; 309:15;  
325:25; 326:3; 362:19;  
366:25; 367:20, 23;  
368:20, 21; 369:3, 4, 5, 20;  
370:6; 371:13, 18; 376:9  
suggesting 256:24  
suing 82:4; 245:22  
sum 9:12; 39:9; 107:13  
summer 21:23; 36:21,  
22; 45:11, 19, 21; 103:21,  
22, 23; 114:12, 24; 121:11;  
173:18; 263:8; 314:11, 25;  
316:2; 317:10, 14; 337:18,  
21; 338:11, 11; 372:14  
summers 263:7  
summons 295:4; 337:7,  
12; 338:3; 339:7, 12, 21;  
340:2  
summonses 335:23;  
336:5, 15, 18  
Sunday 9:5; 10:14; 11:6;  
124:11; 358:4  
superior 91:12; 187:19;  
194:13; 195:13, 18; 211:9;  
311:22; 312:2, 9  
superiors 188:5, 12;  
189:10; 190:22; 197:21;  
198:10; 224:10  
supervising 118:14  
supervision 303:5;  
305:2, 7, 19; 306:15, 21  
supervisor 185:16, 18;  
242:25; 346:14  
supervisors 160:14;  
172:23; 246:6, 14; 250:18  
support 70:22; 73:15, 18,  
19, 21, 23; 74:4, 5, 9, 11;  
75:24; 76:21; 78:3, 5, 6,  
14; 79:11, 18, 24; 81:18;  
82:5, 10; 83:22  
supported 73:18  
supposed 349:14  
supposedly 155:14  
sure 8:4, 9; 10:22; 20:12;  
56:11; 75:9, 12; 97:8;  
101:24; 121:13, 17, 25;  
133:2, 4; 142:14; 190:2;  
213:25; 233:17; 238:10;

260:9, 13; 266:9, 13;  
267:24; 268:22; 298:24;  
304:18; 326:11; 357:22  
surprised 83:3  
surrounding 20:19;  
21:4; 244:8  
sustained 70:14  
swear 5:15  
sworn 5:18

---

**T**

---

talk 6:23; 11:4; 45:22;  
74:22, 24; 75:10, 12, 14;  
77:14, 16; 79:3; 81:14;  
82:17; 83:4; 125:11, 13;  
126:25; 128:14; 133:9;  
135:2, 10; 136:18; 151:10;  
161:13; 166:24; 167:22;  
175:4; 209:9; 212:9;  
228:10; 237:9; 262:25;  
275:13; 283:15, 22;  
294:21  
talked 75:16; 82:23;  
106:13; 147:5; 198:19;  
264:18; 265:17; 299:9, 12  
talking 11:21; 25:16;  
44:21; 55:13; 82:18;  
116:4; 117:15; 135:12;  
150:21; 151:21; 154:22,  
23, 24; 157:6; 170:9;  
189:9, 17; 208:9, 19;  
210:5, 8; 218:8; 236:22;  
262:19; 295:2; 305:16;  
322:3; 345:11; 351:21;  
358:11, 15; 359:14; 366:4;  
372:25  
tape 4:2; 65:24; 66:4;  
133:21, 24; 134:4, 7;  
140:22; 142:21, 25; 143:2,  
6, 20; 144:14; 145:14, 19,  
23; 146:10, 17, 19, 21;  
147:3, 12; 165:22; 169:18;  
170:13, 20, 21, 25; 179:12,  
16, 19; 202:6, 10, 14, 18;  
268:6, 7, 11, 15; 335:10,  
12, 16  
taped 144:6; 178:20, 23,  
24; 179:3  
tapes 354:19  
taping 141:2; 143:16, 18;  
144:9; 178:15; 180:8  
taxi 374:23  
telephone 140:16, 17;  
144:10; 145:7, 7; 284:15;  
371:24  
television 197:9  
telling 53:16; 122:20;  
129:6; 173:13; 214:6, 8;  
295:5; 296:17; 299:18;  
311:12; 314:9; 339:20;  
378:8  
tells 16:20; 59:20  
tenure 31:3  
term 35:10  
terminated 16:8; 17:19;  
32:24; 78:11, 12; 138:11;

155:20; 226:15; 271:21;  
297:14  
termination 12:21; 94:4;  
129:2; 152:23; 180:14;  
195:22; 199:3; 230:2;  
252:7; 276:24; 278:11, 14  
terms 30:7; 255:9  
test 14:15, 15, 17, 17, 19;  
15:8; 19:15, 25; 20:8, 18;  
131:23; 172:25; 173:4;  
183:3, 6, 15; 200:8; 218:9;  
233:8, 21; 235:4; 238:12;  
241:18; 242:10; 244:24;  
370:17, 19; 375:16  
testified 5:20; 50:25;  
92:4; 132:12, 16; 151:23;  
156:22; 157:9; 158:17, 25;  
168:17; 169:3; 188:15;  
213:18, 20; 214:13;  
241:11; 246:3; 249:20;  
250:12; 254:15, 16;  
277:21; 300:2; 308:13;  
310:21; 311:5; 329:19, 23;  
340:5  
testify 297:18; 299:5;  
376:17  
testimony 37:10, 11;  
54:14, 16, 23; 60:6; 62:14;  
82:6; 84:16; 86:6; 89:19;  
94:22; 98:12; 111:11;  
117:22; 148:15; 155:21;  
168:9; 169:22; 170:18;  
173:10; 181:11; 186:2;  
216:5; 217:22; 220:25;  
222:15; 224:18; 231:24;  
232:5, 6; 234:6; 235:12,  
19, 21; 243:12, 22; 245:11;  
246:16; 247:19; 249:4, 9,  
19; 261:4; 270:16; 274:19;  
311:5; 313:5; 329:11  
testing 238:4  
tests 240:23; 241:13  
thereof 59:4  
thin 143:8; 159:9; 161:3,  
24; 164:23; 165:19  
third 23:11; 39:8; 40:7;  
42:20; 45:20; 49:15, 24;  
50:10, 17; 158:24; 179:8;  
231:25; 233:20, 22; 289:3,  
4; 302:22, 23; 321:23;  
322:7, 20, 24, 25; 370:24  
Thomas 182:6, 25  
Thompson 4:20; 23:16;  
106:3  
though 60:19; 116:9;  
128:4; 137:15; 188:15;  
213:25; 231:20, 22;  
233:12, 18; 324:4  
thought 59:13; 80:15;  
128:3; 156:7; 159:20;  
166:23; 226:9; 248:13;  
357:21  
three 14:13; 17:4; 36:19,  
22; 37:5; 45:8; 54:24; 55:6;  
64:18, 18; 122:21, 24;  
127:8; 133:18; 134:4, 7;  
146:3; 147:10; 151:15;  
166:13; 168:8, 20, 24;

178:6, 10; 182:2, 7, 20;  
184:17; 188:2; 190:17;  
194:4; 200:3; 201:10, 14,  
18, 22; 202:7, 10; 207:17;  
235:2, 6; 236:13, 15;  
285:15; 287:11, 12;  
298:17; 300:12; 304:6;  
328:7; 363:6, 8; 370:12,  
16; 375:15  
three-hour 55:25  
threw 338:24; 354:5  
throughout 312:24;  
362:21  
throw 354:9  
throwing 332:6  
thumb 295:14, 15  
tickets 337:15  
Tierney 369:25  
timer 114:22; 115:19  
times 6:24; 29:14; 36:15,  
19, 22; 37:5; 45:5; 51:7;  
68:10, 21; 82:14; 95:20;  
96:6, 12; 168:8, 9; 190:3,  
6; 191:21; 249:20; 273:12,  
17; 300:6, 12; 302:22, 25;  
307:2; 318:4, 12; 331:18,  
25; 332:10; 349:9; 351:11;  
362:8; 363:3, 6, 8; 372:17;  
374:24  
tired 164:24  
tireless 302:6  
title 178:6; 185:22;  
186:23  
today 6:18; 8:21; 12:3;  
18:11; 28:23; 85:19;  
94:16; 97:20; 111:12;  
112:4, 13, 17, 19; 181:19;  
201:21; 247:19; 263:21;  
267:7, 14; 365:7, 13;  
366:17  
together 107:7; 151:7;  
187:25; 192:16; 260:19  
told 9:14; 10:15, 20;  
11:12, 13, 18; 16:9; 20:2;  
21:13; 49:9; 51:17; 55:18;  
57:16, 18, 25; 64:21; 85:9;  
86:13; 88:14, 19, 20;  
95:18; 106:23, 24; 107:2;  
113:20, 24; 128:4; 130:22,  
23; 131:2, 3; 133:15;  
139:20, 22; 140:3; 145:2;  
148:4, 6, 8, 10, 11; 150:23;  
158:17, 20; 159:7, 7;  
160:8, 14; 161:2, 7, 23;  
163:25; 164:12, 15, 22;  
167:2, 6, 10, 15; 168:3, 18;  
169:3, 7, 21; 170:13, 25;  
176:8, 15, 18; 188:8, 17;  
190:19; 192:6, 13; 196:8;  
210:25; 211:6; 212:2, 25;  
213:2; 214:10, 14, 19;  
219:13, 17; 220:15, 17, 23;  
221:16, 24; 222:5; 223:12;  
225:9, 9; 227:20; 230:8;  
231:4; 234:17; 237:23;  
238:17; 260:18; 275:12,  
17; 276:8, 17; 277:21;  
279:4; 281:2, 13; 283:22;

285:7; 287:4, 4, 8; 289:19;  
292:16; 296:17; 297:5, 13;  
299:2, 6; 307:24; 310:23;  
311:6; 315:6, 11; 327:3;  
332:7; 339:25; 342:23, 24;  
355:4, 6, 11, 12; 356:18,  
19; 357:12; 359:19; 361:9,  
11, 14; 364:15; 372:13  
Tom 80:17; 85:24; 87:13;  
88:8, 14; 109:6, 25;  
130:22, 22; 133:7; 138:3,  
21; 139:8, 9, 10; 149:20;  
194:18; 203:21, 22;  
266:14; 321:4; 358:16  
tomorrow 9:22; 10:2, 4;  
150:2  
took 9:22; 14:16; 15:9;  
19:16; 90:10; 138:6;  
189:19; 191:6; 232:8;  
234:21; 283:19; 325:20;  
355:25; 358:13; 371:4;  
373:3; 375:14; 376:4  
top 198:24  
topic 378:6  
tortious 31:25; 32:11;  
34:2, 3  
totally 246:22; 248:11  
touch 87:12; 106:12, 16;  
108:12, 16  
tour 52:4, 5; 122:21, 24,  
25; 123:10, 23; 162:2;  
164:25; 170:15; 209:18;  
285:15; 287:11, 12  
tours 115:17; 118:8, 22;  
119:6, 18, 21; 123:18  
Town 14:14; 82:12;  
89:13; 93:18; 107:18;  
108:25; 142:6; 149:21;  
159:8; 163:14, 17; 182:9,  
15; 183:2, 7, 8, 16; 184:13,  
15, 19; 186:9, 21; 188:22;  
193:20; 194:14, 18;  
195:14, 19; 196:4; 197:21;  
198:10; 200:7; 201:22;  
207:12, 19, 24; 208:14, 22;  
209:18; 214:23; 217:3, 21;  
218:11; 222:5, 12; 223:21;  
229:5; 236:15, 23; 245:7,  
8, 9, 13, 22; 246:6, 14;  
247:8; 248:20; 249:2, 5;  
250:25; 251:14; 256:19;  
259:7, 11, 18, 22; 260:5;  
261:6; 272:23; 290:6;  
304:24; 313:14; 374:9;  
375:16, 25  
towns 362:22  
Township 12:7, 9; 245:6  
Toys 16:4  
training 161:17; 175:6,  
24  
transcript 104:19, 24  
transpired 138:24  
tried 13:21; 107:10, 14,  
17; 126:25; 128:14;  
238:17  
truck 127:18; 323:12;  
325:13, 19, 20, 22; 327:7;  
355:12; 374:22, 23



trucks 323:11, 15  
true 17:10; 146:5; 164:5,  
15, 20; 168:8; 180:9;  
196:6; 223:24; 261:15  
trust 62:3, 12  
trustee 41:25; 42:18;  
43:12; 44:6; 47:16; 50:19;  
69:16; 70:6; 226:17;  
292:21; 328:19, 21; 330:3,  
8; 331:4, 7; 332:25; 333:5,  
18, 24; 334:18, 22; 340:16,  
20; 344:11  
trustees 44:14; 69:13;  
309:4  
truth 286:4; 290:23  
truthful 17:13; 18:9, 16;  
220:5; 221:18; 223:17;  
243:8; 261:12  
truthfully 64:15; 161:20  
truthfulness 261:6  
try 6:20; 15:11; 253:22  
trying 53:5; 106:24, 25;  
154:17; 162:5; 180:12, 16;  
208:12; 235:20; 249:13;  
253:23; 306:17; 326:8;  
362:12, 18; 364:5, 9, 16  
Tuesday 9:15; 287:11, 12  
turn 23:11; 144:2; 339:16  
turned 295:13  
twice 149:5; 155:16, 18  
twin 161:4, 25; 162:12  
twins 126:15; 127:7;  
165:4, 7, 11, 16, 21; 166:5;  
169:10, 12, 16; 170:16, 17;  
213:20  
two 12:11; 21:16, 17;  
22:3; 27:19; 45:12; 52:6;  
54:12, 24; 58:4, 12, 24;  
59:19; 60:15; 66:4; 96:13,  
18; 113:17; 128:22;  
133:24; 134:7; 148:25;  
151:15; 178:7, 21; 179:11;  
183:5; 198:18; 200:7;  
203:6; 232:10, 11; 233:13,  
18; 281:23; 282:5; 291:3;  
298:17; 304:6; 307:20;  
308:16; 315:13; 322:17;  
17; 323:11; 324:8, 13, 17;  
325:18; 328:7; 340:4;  
341:11; 343:23; 344:19,  
20; 346:20; 349:11; 350:4;  
363:7; 374:12; 376:5, 6  
two-year 261:2  
Ty 26:25; 28:14, 19, 24;  
362:2; 363:6  
Tylenol 94:13; 95:19;  
96:9  
type 103:11; 143:6;  
238:4; 291:3; 372:11  
Tyree 26:14; 88:5, 6, 15,  
18, 21; 129:16, 17, 21;  
130:4, 13, 18; 132:24

## U

ultimate 72:22

ultimately 308:25  
Um 298:8; 353:18  
Um-hum 56:7; 130:16;  
354:24  
un 241:9  
unavailable 122:21;  
123:23  
unaware 172:18  
Unbelievable 147:9  
uncertified 292:11;  
310:15, 17; 331:20;  
335:25; 362:3; 363:4, 24;  
364:5, 10  
uncertifieds 372:16  
uncle 262:4  
uncle's 263:16  
undecisive 241:9  
under 102:9; 172:15;  
185:20; 200:4; 203:8;  
271:10; 302:10; 305:2;  
312:22  
underage 341:18, 19, 24;  
342:23  
underaged 336:20  
underlining 26:2  
undermine 352:21;  
353:6  
undermined 353:12  
undertake 227:14  
unfounded 207:13;  
228:16, 20  
uniform 53:3; 247:20;  
248:9; 302:11  
uniformed 247:17;  
249:5; 250:6  
uniforms 82:11  
United 4:8; 244:18  
unlawful 31:21; 33:17;  
35:19; 129:2; 199:3; 341:8  
unlawfully 32:24  
unless 34:19; 44:24  
unnamed 216:6  
unsure 10:19  
up 5:11; 13:12; 16:2, 16,  
20; 17:2, 2; 20:23; 21:10;  
31:12; 37:20, 23, 24; 38:5,  
17, 20; 39:7, 13, 15; 42:5;  
48:25; 51:22, 25; 55:18;  
56:19, 24; 57:18; 58:2, 9;  
59:20; 64:2; 65:14; 71:16,  
22; 72:8; 75:8; 76:5; 77:15;  
80:8, 14; 85:4; 106:3, 3;  
107:4; 108:3; 116:14;  
118:11; 122:7; 123:21;  
127:10, 16; 128:5; 133:22;  
138:4; 141:20, 21; 146:3;  
149:24; 150:16, 18; 151:9;  
157:4; 158:9; 165:14, 15,  
21; 166:9, 23; 167:4, 21;  
168:4, 15; 174:9, 10, 11,  
16; 175:8; 180:17; 192:12,  
14; 196:5; 203:6, 6;  
208:10; 209:7; 218:19;  
227:18; 233:4, 7, 10;  
235:16, 25; 241:3, 6;  
242:6; 248:2; 260:17;

262:5, 18; 263:2; 276:2;  
282:3, 23; 284:5, 5;  
289:11; 294:20; 295:10;  
300:9; 318:24; 322:3;  
325:5; 326:2, 4; 332:8, 15;  
339:14; 341:19; 343:18;  
345:14; 351:6; 352:17;  
354:14; 362:10, 11;  
370:24; 373:14; 374:22;  
375:5  
upgrade 175:9  
upgrades 175:7  
Upgrading 175:9, 25  
upon 29:12, 14; 37:9;  
59:6; 111:12; 119:21;  
147:12; 173:13; 203:19;  
207:9; 208:4; 210:4;  
211:24; 215:18; 256:15;  
310:22; 314:3  
upper 290:7  
upset 53:6, 13; 112:23;  
289:18  
upstairs 161:5; 319:15;  
353:22  
use 65:16; 73:19; 106:2;  
241:7, 10; 256:23; 367:20  
used 35:10; 74:10; 75:17;  
77:13; 272:2; 279:16;  
285:6; 348:24; 368:24  
using 74:3  
usually 242:3

## V

vacant 185:20  
vacation 167:23  
vague 82:25  
valid 190:4, 7; 191:22;  
192:7  
values 302:8  
various 347:7  
vehicle 56:12; 143:3;  
322:13, 16, 22; 324:19;  
325:15, 17; 374:16  
vehicles 127:4; 324:8, 9,  
13, 17; 326:5, 6; 331:21;  
346:22; 374:25  
verbal 148:17  
verbally 59:8; 129:4;  
160:18, 20; 199:5  
verify 342:13  
versus 4:6  
via 365:12  
video 4:14  
VIDEOGRAPHER 4:2;  
5:14; 65:23; 66:3; 133:23;  
134:3; 158:11, 14; 202:9,  
13; 258:21, 25; 268:10, 14;  
335:11, 15; 364:25; 365:4  
videotape 4:3  
Village 4:6, 24; 42:18;  
56:17; 68:18; 150:6;  
198:2; 225:15; 283:23;  
284:8; 291:24; 310:10;  
311:18; 313:19; 315:12;

316:14, 17; 318:24; 319:8,  
10; 321:5, 19; 322:15, 16,  
17; 323:18; 324:9, 14, 18;  
325:23; 329:2; 330:16, 22;  
374:20; 375:3, 9  
villages 362:22  
violated 62:2; 244:19  
violates 25:6  
violations 75:4; 341:10,  
14; 344:25  
virtue 240:13; 245:10  
volunteered 288:22

## W

wait 315:6; 318:20, 23;  
319:10  
waited 319:8  
waiting 224:11; 359:25  
walk 46:3; 59:17; 151:9;  
230:14; 295:2, 10; 337:10;  
341:17; 348:15; 349:24;  
355:4  
walked 40:6, 10; 46:18;  
52:17; 55:17; 57:2, 11;  
75:8; 80:6, 8; 82:23, 25;  
194:23; 262:22; 295:9, 10;  
321:21; 370:25, 25;  
373:14, 18  
walking 49:2; 56:18;  
111:9; 215:7  
wall 61:3; 220:22; 221:11;  
227:10; 247:2, 7, 9, 15, 21;  
248:4, 16; 249:6; 250:7,  
13, 20, 24; 271:14  
Warkenthien 293:21;  
296:22; 300:21, 23  
wash 355:11  
watched 245:14; 264:13;  
265:13  
watching 197:22, 22  
water 374:23  
watercop319@yahoo.-  
com 267:23  
waved 359:3  
waving 358:23  
way 6:21; 17:7; 20:13, 16;  
115:16; 127:4, 15; 208:11;  
230:17; 255:3; 279:16;  
290:16; 337:16; 343:20;  
375:4  
ways 374:12  
wear 16:14; 136:23;  
137:13; 138:2, 19, 20;  
139:3, 10, 18, 19; 155:14;  
246:20, 21; 274:8; 276:5;  
297:23; 298:3; 361:16  
Wearing 133:17; 134:10;  
136:18, 21; 137:7, 10, 16;  
146:2; 147:8, 16; 152:11;  
155:13; 157:2, 7, 17;  
158:6, 19, 21; 166:19;  
169:4; 274:4; 275:4;  
276:10; 299:25; 361:10  
website 110:4; 208:10  
websites 15:24  
Wednesday 9:23; 10:21;  
220:11  
week 8:17; 9:17, 24; 11:9;  
27:25; 28:11; 30:9; 46:24,  
25; 84:25; 85:7, 12; 86:22,  
23; 114:18, 19, 22; 115:12,  
14, 17, 20; 116:15; 149:18;  
189:14, 15; 191:6; 192:13,  
20; 193:16, 25; 194:9;  
274:2, 25; 283:9; 289:10;  
292:17  
weekend 51:11; 57:7;  
62:25; 63:6, 22; 64:22;  
68:6; 69:3; 325:13; 327:7;  
332:4, 5  
weekends 316:15  
weeks 9:17; 104:11;  
144:18; 170:9  
Welch 4:23  
weren't 29:21; 38:2;  
76:10; 111:25; 122:13;  
138:9; 151:2; 153:18;  
155:3; 165:10; 169:11, 21;  
170:16; 171:2; 188:10, 17,  
24; 189:3; 191:5, 16, 17;  
192:3; 193:21; 194:11;  
195:4; 210:24; 211:5, 11;  
279:13; 285:11; 297:15;  
300:10; 316:16; 322:2;  
343:7; 347:13, 17; 361:12  
west 326:8  
what's 22:15; 23:5;  
25:16; 28:4; 39:6; 40:25;  
51:18; 76:5, 17; 80:16;  
82:19; 99:10; 111:22;  
116:10; 117:6; 122:24;  
166:14; 184:11; 192:23;  
205:5, 7, 8; 267:6; 270:10;  
274:7; 290:9; 294:20;  
303:14; 317:6; 324:12;  
326:8; 343:12; 346:9;  
354:13  
wheel 346:24; 347:9, 16  
when's 85:5; 184:2;  
287:23; 314:5  
whenever 341:17  
wherein 17:11; 147:14;  
191:5  
Who's 30:4; 45:3; 56:2;  
157:10  
whoever's 244:12  
whole 97:12; 131:25;  
156:24; 188:3; 198:5;  
215:23; 260:18  
whomever 119:20  
wife 84:3; 112:16; 113:8;  
127:5, 18  
Wigdor 4:20; 23:16;  
106:3  
wind 322:3  
winds 16:20  
wingking28 162:25  
wingking28@aol.com  
266:6  
Winnie 292:7  
winter 122:8; 225:13;  
317:5, 11

wire 16:14; 133:17;  
134:10; 136:19, 21, 23, 24;  
137:7, 10, 14, 16; 138:2,  
19, 21; 139:3, 11, 16, 18,  
19; 146:2; 147:9, 16;  
152:11; 154:23; 155:13,  
14; 157:2, 7, 17; 158:6, 16,  
19, 21; 166:18, 19; 168:11;  
169:4; 218:20; 246:21, 21;  
248:11; 274:4, 8; 275:4;  
276:6, 10; 277:22; 297:24;  
298:4; 299:19, 25; 300:4;  
361:10, 17  
wire's 155:11  
withdraw 22:2; 43:21;  
79:13; 154:17  
withdrawn 7:9; 26:4;  
28:3; 35:17; 48:21; 67:3;  
76:11; 80:23; 81:8;  
152:22, 24; 159:16, 18;  
162:11; 177:18; 179:23;  
192:4; 198:19; 339:21;  
346:5; 361:4; 364:3  
within 23:8; 46:25; 86:22,  
23; 98:13; 175:6; 183:4;  
247:3; 248:5; 250:6, 11;  
271:17; 274:2, 25; 283:9;  
304:22  
Without 30:2; 71:13;  
101:10; 104:12; 129:6;  
136:16; 267:9, 10; 283:23;  
351:18; 365:20, 22; 366:5  
witness 5:16, 23; 6:2;  
25:5; 249:11; 279:13;  
281:8; 354:9; 357:4  
witnessed 36:24; 37:2;  
64:9  
witnesses 136:16  
witnessing 63:19  
woman 215:3; 222:19  
women 208:16; 291:6, 15  
wondering 319:24  
word 28:5; 250:3; 256:23;  
270:6  
wording 241:7  
words 58:19; 74:4;  
123:16; 153:14; 167:13,  
18, 19; 241:10; 317:9;  
320:9  
wore 299:19  
work 10:22; 29:16, 18;  
31:19; 52:5; 53:25; 62:22;  
68:19; 74:11; 82:12;  
89:10, 13, 16, 16; 90:6, 11,  
19; 92:11; 109:6, 10, 10;  
114:18; 115:11, 13, 19, 23;  
116:14; 117:3, 24; 118:18;  
119:19; 126:21; 127:12,  
16; 128:11, 18; 131:20;  
141:20; 149:14; 154:6, 12;  
159:10; 164:24; 171:5, 18;  
172:3, 14; 183:2; 188:2;  
193:12; 200:7, 7; 209:16;  
246:25, 25; 247:14, 17;  
248:3, 3, 8, 9, 10, 20, 25;  
252:16; 283:10; 285:9, 17;  
287:14; 305:22; 375:7  
worked 27:9, 11, 14, 14;

28:15, 19, 24; 29:7, 19;  
30:9; 62:24; 74:12;  
112:24; 116:13; 118:6, 16;  
124:11; 126:23; 127:11;  
169:15; 209:17; 251:11;  
263:7, 8; 287:3, 5, 8, 10,  
12, 14; 311:7, 8, 12;  
317:11; 328:6  
worker 114:7; 115:2, 3;  
116:5, 20  
working 14:21; 17:3;  
21:3; 22:7; 27:5, 24; 28:8;  
29:23; 30:14, 17; 31:16;  
54:8; 76:4; 87:6, 9; 113:21;  
128:17, 19; 141:24; 142:3,  
5; 148:5; 149:12; 151:12,  
13, 16; 152:2; 153:15, 18;  
159:14, 19; 165:10;  
169:11, 21; 170:16; 171:2;  
185:20; 237:15; 254:6;  
256:19; 275:24; 277:12;  
280:12, 14; 281:24;  
282:12; 285:11, 13; 292:9;  
294:18; 299:21; 306:2;  
310:14; 346:10, 13;  
364:18  
workmen's 125:8, 15;  
254:23  
works 108:25; 171:20  
worn 139:16  
worry 372:25  
worse 111:12; 324:7  
worst 332:12  
wound 48:25; 51:25;  
58:9; 106:3; 107:4; 108:3;  
339:14; 362:11  
write 60:25; 93:22;  
128:22; 198:24; 203:5;  
208:4; 228:15; 236:5;  
239:25; 240:2; 242:11;  
261:10; 271:10; 279:7;  
290:13, 14; 309:11;  
337:11, 15; 339:7; 340:2;  
358:17  
writing 129:4; 130:10;  
185:11; 199:6; 339:11  
written 193:19, 20;  
225:25; 226:3; 243:13;  
292:3, 16; 293:4, 15  
wrong 23:9; 119:15;  
123:6; 206:7; 222:10;  
276:7; 296:10, 13, 19;  
378:13  
wrongful 26:5; 32:16;  
34:12  
wrote 70:14; 201:13;  
260:17; 290:25; 291:4, 13,  
22; 292:17; 313:7

## X

X 377:18

## Y

Y 377:18

ya 151:10; 373:9  
yard 149:14  
year 12:15; 27:18; 68:14,  
17; 96:13; 98:13; 116:19;  
123:12, 13; 325:5; 343:12,  
13; 370:21  
years 31:14; 58:4, 12;  
59:19; 60:15; 96:18;  
127:8; 190:12; 200:8;  
218:13, 13; 281:14, 15  
yell 58:22  
Yelled 337:14  
yelling 295:8  
York 4:9; 5:19; 6:3; 91:17;  
93:6, 8  
youths 341:19; 342:6;  
343:6  
Yup 40:12

## Z

Z 377:18  
Zelda 208:24; 216:25, 25;  
217:6, 9, 20; 218:4, 17;  
219:2, 8; 222:19; 223:25;  
227:18; 234:12  
zero 242:4  
ZWILLING 5:3, 3; 366:22,  
23; 367:2; 374:3

**Lawyer's Notes**

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